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CONTINENTAL CONGRESS
1774-1789

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PREFATORY NOTE

In one respect the attendance of the States in the Continental Congress during the federal year 1787-88 was the most notable of the 5 years for which a record of States present was kept. This was the only year during the period in which there were sessions when all of the 13 States were fully represented, a circumstance which occurred during the discussions of the resolution for putting the new Constitution into operation.

The Congress was not organized until January 21, 1788, and transacted its last business on October 13 of the same year. During this interval there was a quorum of 7 States on 132 days. Of these days 13 States were present on 8 days, 12 States on 18 days, 11 States on 19 days, 10 States on 14 days, 9 States on 16 days, 8 States on 29 days, and 7 States on 28 days. On most of the days a single Delegate was present from one or more of the remaining States. Thus, including States with only 1 delegate, there were never less than 9 States represented and on more than half of the days there were 12 or 13 States thus represented.

The following table shows the attendance of the several States on the 132 days on which business was transacted:

	Full representation (2 or more Delegates)	1 Delegate present	No Delegate present
	<i>Days</i>	<i>Days</i>	<i>Days</i>
New Hampshire.....	112	20	0
Massachusetts.....	131	1	0
Rhode Island.....	32	38	62
Connecticut.....	71	44	17
New York.....	87	12	33
New Jersey.....	113	14	5
Pennsylvania.....	128	4	0
Delaware.....	88	28	16
Maryland.....	77	30	25
Virginia.....	132	0	0
North Carolina.....	65	59	8
South Carolina.....	130	2	0
Georgia.....	73	23	36

Virginia, Massachusetts, South Carolina, and Pennsylvania held the best record for attendance. Virginia was present every day on which business was transacted; Massachusetts on every day but one; South Carolina on every day but two; and Pennsylvania on every day but four. The first three of these States were present on practically every day on which the record of attendance was entered in the Journal when there was no quorum.

During seven months from February to September, inclusive, excepting April, sessions were had on from 14 to 21 days in each month. From May to August the attendance was so far continuous that there were only 2 entries with an attendance of 6 States or less. In this year the attendance of 6 States or less is recorded on 50 days. There are also entries for November and December 1788 and January and

February 1789 which indicate the dates of the arrival of Delegates for the federal year 1788-89, from 10 States.

A comparison of the attendance of the States for the last 5 years of the Continental Congress is of interest. The table below shows the number of sessions with a quorum of at least 7 States represented by 2 or more delegates and the number of days on which any given number of States was present. The last column gives the number of days in each year on which a record was made of the attendance of 6 States or less.

Years	Number of sessions with quorum	Number of States present							
		13	12	11	10	9	8	7	6 or less
	<i>Days</i>	<i>Days</i>	<i>Days</i>	<i>Days</i>	<i>Days</i>	<i>Days</i>	<i>Days</i>	<i>Days</i>	<i>Days</i>
1783-84-----	113	-----	-----	31	21	14	16	31	27
1784-85-----	218	-----	10	36	50	62	38	22	17
1785-86-----	209	-----	31	17	30	26	36	69	48
1786-87-----	112	-----	-----	4	10	34	37	27	104
1787-88-----	132	8	17	17	16	15	29	28	57

It should be remembered that usually one or more of the States not fully represented had one Delegate present. This attendance is not reflected in the table above.

As in 1787, despite the limited number of sessions the Continental Congress in 1788 considered a great amount of business, as is indicated by the record presented in this volume. The most important matter taken up was the discussion of the preliminaries for setting up the government under the new Constitution. That discussion began in July as soon as nine States had ratified. The interest of the States in this subject is evinced by the attendance at this time. From July 2, the date on which the ratification by

the ninth State was announced, until September 13 when final action was taken, 51 sessions were held. In these sessions 13 States were present on 8 days, 12 States on 18 days, 11 States on 16 days, and 10 States on 7 days. The consideration was prolonged by the difficulty in reaching an agreement on the place where the new government should begin its labors. The problem was solved by the resolve of September 13 fixing the time for the several steps in the election and New York as the place of meeting for the new administration.

The question of the disposition of the lands in the Western Territory continued to occupy much attention and a supplement to the land ordinance of May 20, 1785, was adopted on July 9, 1788. Various proposals for the purchase of public lands were presented. Financial matters of importance included the approval of a new Dutch loan, the adoption of a requisition, the consideration of claims of individuals and of the States, and the question of prize money. In foreign relations, diplomatic protests, reception and retirement of ministers, the navigation of the Mississippi and redemption of captives held in the Barbary States were important subjects. Problems in connection with Indian affairs, invalids, the post office, and land cessions of the States, were also discussed. Military affairs were given considerable attention. Special committees to report on the several executive departments made comprehensive reports which were entered on the Journal.

As shown by the committee reports and recorded motions, the most active Delegates in 1788 were Nathan Dane of Massachusetts, Edward Carrington of Virginia, Hugh Williamson of North Carolina, Abraham Clark of New Jersey, Dyre Kearny of Delaware, Abraham Baldwin of Georgia, and William Irvine of Pennsylvania.

The secretarial force in 1788 consisted of Charles Thomson, secretary, who had served from the beginning of the Con-

tinental Congress; Roger Alden, deputy secretary, who began his services on July 21, 1785; Benjamin Bankson, clerk, who took his oath on June 18, 1781; and John Fisher, clerk, who entered the office on February 5, 1785. Robert Patton, who had been doorkeeper since January 1785, died on May 8, 1788, and James Mathers was chosen to fill the post on May 15.

The Secretary's Office continued the Public and Secret Journals as well as the several auxiliary records mentioned in the prefatory note to volume XXXII. These records as well as the documents from the files of the Secretary's Office have been utilized in editing this volume. The same plan of inclusion of documents to present the activities of the Congress has been followed as in the preceding volumes. It will be noted that numerous documents are mentioned in the footnotes as being read and referred to committees or heads of the departments for which no citations in the *Papers of the Continental Congress* are given. The absence of these documents from the collection is apparently due to the fact that no reports were made on them, and they probably remained in the hands of the committee or department to which they were referred.

The credentials of the Delegates, who attended for the Congress for the federal year 1788-89, though never read in a session of the Congress, are nevertheless printed in an appendix in order to conclude the story of the Continental Congress, which actually finished its labors on October 13, 1788. The lists of unfinished business and subjects negatived or obsolete, formed by Secretary Thomson in November 1787, as well as a list of the unfinished business of 1788, taken from the *Reports of Committees, Papers of the Continental Congress*, no. 189, are given. Bibliographical notes on the imprints of the Congress for 1788 are also included.

The publication of this volume of the *Journals of the Continental Congress* brings to a close the series begun more than 30 years ago by the Library of Congress, which has presented not only the formal Journals, but such supplementary materials from the auxiliary record books of the Secretary's Office and papers in the files of that office as serve to give as complete a picture as formal records make possible of the workings of the First National Legislative Assembly of the United States of America.

ROSCOE R. HILL, *Editor*.

HERBERT PUTNAM, *Librarian*.

JANUARY 1937.

JOURNALS OF THE CONTINENTAL CONGRESS 1788-1789

¹ MONDAY, JANUARY 21, 1788.

Congress assembled.

Present

from New hampshire	M ^r [Nicholas] Gilman
Massachusetts	M ^r [Samuel Allyne] Otis and M ^r [George] Thatcher
Connecticut	M ^r J[eremiah] Wadsworth
New Jersey	M ^r [Abraham] Clarke and M ^r [Jona- than] Elmer
Pensylvania	M ^r [William] Irvine M ^r [John] Arm- strong and M ^r [James R.] Reid
Delaware	M ^r [Dyre] Kearny and M ^r [Nathaniel] Mitchel
Maryland	M ^r J[ohn] E[ager] Howard and M ^r B[enjamin] Contee
Virginia	M ^r [James] Madison M ^r [Cyrus] Grif- fin and M ^r [John] Brown
N[orth] Carolina	M ^r [James] White
S ^o Carolina	M ^r [Daniel] Huger M ^r [John] Parker and M ^r [Thomas Tudor] Tucker
Georgia	M ^r [Abraham] Baldwin who severally produced their Credentials.

¹ Charles Thomson begins the entry.

[Credentials of Nicholas Gilman, New Hampshire ¹]

The State of New Hampshire,
To Nicholas Gilman Esquire, Greeting.

Whereas the General Court of this State did, at their Session held at Concord on the Twenty third day of June last appoint you the said Nicholas Gilman one of the Delegates to represent this State in the Congress of the United States of America;

Now therefore Know you, that by these presents, in pursuance of the said Appointment, you the said Nicholas Gilman are commissioned to be one of the Representatives of this State in Congress, and vested with all and singular the Power and Authority to the said Office or Place of Delegate belonging by Virture of the Constitution of this State and the Appointment aforesaid, To Have and To Hold, to you the said Nicholas Gilman the said Office or Place of Delegate for the term of One Year from and after the first Monday in November next unless sooner relieved or recall'd by the General Court of this State.

In Testimony whereof, the Seal of said State is hereunto affixed; Witness John Sullivan Esq^r President of said State at Exeter this Fifth day of July Anno Domini One Thousand, Seven Hundred and Eighty Seven, and of the Sovereignty and Independence of the United States of America the Twelfth.

JN^o SULLIVAN

By His Excellencys Command

JOSEPH PEARSON Sec^y

[SEAL]

[Credentials of Massachusetts delegates ²]

Commonwealth of Massachusetts

To our Trusty and well beloved The Hon^{ble} Samuel Allyne Otis, esq^r
of Boston in our County of Suffolk Greeting

¹ Original credentials, delivered November 5, 1787, *Papers of the Continental Congress*, New Hampshire Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 223-224.

² Original credentials of Mr. Samuel Allyne Otis and Mr. George Thatcher, delivered November 19, 1787, *Papers of the Continental Congress*, Massachusetts Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 231-232 and 229-230. The credentials of Mr. Otis and Mr. Thatcher are identical, hence only those of the former are printed.

Whereas the General Court of our Commonwealth aforesaid, did on the twenty seventh day of June A^o Dⁱ 1787 agreeable to the Constitution of our said Commonwealth appoint the Hon^{ble} Samuel Allyne Otis Esq^r, a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first Monday in November 1787.

Now therefore Know ye, that We do by these presents and in pursuance of the said appointment commission you the said Samuel Allyne Otis Esq^r to represent our said Commonwealth in Congress and vest you with all and singular the powers and authorities to the said office or place of Delegate belonging by virtue of the Constitution of said Commonwealth, and the appointment aforesaid, and to hold said office until the first Monday of November A^o Dⁱ 1788. And you the said Samuel Allyne Otis Esq^r are hereby required to observe the instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

In Testimony whereof We have caused our publick Seal to be hereunto affixed. Witness His Excellency John Hancock Esq^r our Governor and Commander in Chief at Boston this twenty fifth day of October A^o Dⁱ 1787 And in the Twelfth year of the Independence of the United States of America.

By His Excellency's Command.

JOHN AVERY jun^r *Secretary.*

[Credentials of Connecticut delegates.¹]

State of Connecticut

At a General Assembly of the State of Connecticut holden at New Haven on the second Thursday of October A Dom 1787.

This Assembly do appoint, Jeremiah Wadsworth John Chester and Benjamin Huntington Esquires Delegates, to represent this State in the Congress of the United States, the ensuing Year, in the room, of Erastus Wolcott, Jonathan Sturgis, and James Hilhouse Esquires, resigned.

A true Copy of Record

Examined

By GEORGE WYLLYS *Secret^y*

¹ Original credentials, delivered January 21, 1788, *Papers of the Continental Congress*, Connecticut Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 240.

[Credentials of New Jersey delegates ¹]

The State of New Jersey

To the Honorable Abraham Clark, Jonathan Elmer and Jonathan Dayton Esquires. Greeting

The Council and Assembly reposing special Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint Meeting, appointed you the said Abraham Clark, Jonathan Elmer and Jonathan Dayton or any two of you to represent and vote in behalf of this State in the Congress of the United States of North America from this day until the first Monday in November One thousand Seven hundred and Eighty eight unless a new Appointment shall sooner take place. In Testimony Whereof the Great Seal of the State is hereunto Affixed. Witness William Livingston Esquire Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same at Trenton the seventh Day of November in the Year of our Lord One thousand Seven Hundred and Eighty seven and of our Sovereignty and Independence the twelfth.

By His Excellency's Command

WIL: LIVINGSTON

BOWES REED Sec^y

[Credentials of Pennsylvania delegates ²]

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania.

The Supreme Executive Council, of the said Commonwealth, To The Honorable William Irvine Esquire

¹ Original credentials, on parchment with seal missing, delivered November 13, 1787, *Papers of the Continental Congress*, New Jersey Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 228.

² Original credentials, printed forms on parchment, of Mr. William Irvine, Mr. John Armstrong and Mr. James R. Reid, delivered December 19, 1787, January 21, 1788 and December 19, 1787, respectively. *Papers of the Continental Congress*, Pennsylvania Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 235, 244 and 236, respectively. The three credentials are identical, hence only those of Irvine are printed.

Whereas, The General Assembly of this Commonwealth have, by
 B. Franklin their Act of the thirteenth Day of November in the
 (Seal) Year of our Lord one thousand seven hundred and
 eighty seven elected you a Delegate to represent this
 State in the Congress of the United States—You are therefore hereby
 commissioned as such.

Given in Council, under the Hand of His Excellency Benjamin
 Franklin esquire, President, and the Seal of the State, at Philadelphia,
 this first Day of December in the Year of our Lord one thousand
 seven hundred and eighty seven

Attest.

CHA^r BIDDLE Sec^y

[Credentials of Delaware delegates ¹]

The Delaware State, To all to whom these Presents shall come, send
 Greeting

Whereas our General Assembly at their Sessions of Assembly held
 at Dover on the Tenth Day of this present Month of November,
 (Seal) did, according to the Form prescribed by the Consti-
 tution, elect The Honorable Dyre Kearny, Nathaniel
 Tho^s Collins Mitchell, and Isaac Grantham, Esquires, Delegates
 to represent this State in the Congress of The United States of
 America, until the first Monday in November next: Now know ye,
 that We do by these Presents, and in Pursuance of the said Appoint-
 ment, commissionate the said Dyre Kearny, Nathaniel Mitchell, and
 Isaac Grantham, Delegates to represent the said State in the Con-
 gress of The United States aforesaid, hereby vesting them severally
 and respectively with all and singular the Privileges, Powers and
 Authorities to the said Office or Place of Delegate belonging by
 Virtue of the said Constitution, and the Appointment aforesaid: To
 have and to hold to them the said Dyre Kearny, Nathaniel Mitchell,
 and Isaac Grantham, severally and respectively, the said Office or
 Place of Delegate as aforesaid, during the Term aforesaid, unless they,
 or either of them, shall in the mean Time, be superseded by our
 General Assembly agreeably to the Constitution aforesaid. In

¹ Original credentials, delivered January 21, 1788, *Papers of the Continental Congress*, Delaware Credentials. The original is erroneously endorsed "Deliv^d Jan^y 22^d, 1787." Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 241.

Testimony whereof We have caused our Great Seal to be hereunto affixed. Witness His Excellency Thomas Collins Esquire, our President, Captain-General and Commander in Chief, at Dover, the Nineteenth Day of November in the Year of our Lord One Thousand Seven Hundred and Eighty Seven, and in the Twelfth Year of our Independency.

Attest. J. A. BOOTH *Sec^y*

[Credentials of Maryland delegates ¹]

To the honorable John Eger Howard, Joshua Seney, David Ross, Benjamin Contee and William Harrison Esquires

The State of Maryland reposing special trust and confidence in your diligence, wisdom and fidelity, hath appointed you delegates for this State in the united States in congress assembled, with full power and authority to you or any two or more of you, to represent and act for this State in the united States in congress assembled, for one whole year from the second monday of december last; and also you, or either of you, are fully empowered and authorised to represent and act for this State in a committee of the States, which may within the time aforesaid be appointed by the united States in congress assembled. Given under my hand and the Seal of the State, at the city of Annapolis this fourth day of January anno domini One thousand seven hundred and eighty eight.

[SEAL PENDENT]

[Credentials of Virginia delegates ²]

Virginia scilicet.

The General Assembly of this Commonwealth on the Twenty third day of October, One thousand seven hundred and eighty seven, by joint ballot of both Houses, elected James Madison junior Esquire a

¹ Original credentials, delivered January 21, 1788, *Papers of the Continental Congress*, Maryland Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 243.

² Original credentials of Mr. James Madison, Mr. Cyrus Griffin and Mr. John Brown, delivered November 22, 20 and 20, 1787, respectively, *Papers of the Continental Congress*, Virginia Credentials. Copied in *Record of Credential Papers of the Continental Congress*, No. 179, I, pp. 233, 242 and 242, respectively. The three credentials are identical, hence only those of Madison are printed.

Delegate to serve in Congress for one year, to commence from the first Monday in November next ensuing the date of his appointment.

Given under my hand and the seal of the Commonwealth this twenty fifth day of October One thousand Seven hundred and eighty seven.

EDM. RANDOLPH.

[SEAL]

[Credentials of North Carolina delegates ¹]

The State of North Carolina

To the Honorable James White, Alexander Martin, John B. Ashe, Timothy Bloodworth, Benjamin Hawkins and Thomas Polk esquires Greeting

Whereas the General Assembly at their Session in December last did by Joint Ballot of both Houses elect you the said James White, Alexander Martin, John B. Ashe, Timothy Bloodworth, Benjamin Hawkins and Thomas Polk Delegates of this State to represent the same in Congress of the United States of America for one Year to commence on the first Monday in November next.

We do therefore, by these presents nominate, constitute and appoint you the said James White, Alexander Martin, John B. Ashe, Timothy Bloodworth, Benjamin Hawkins and Thomas Polk Delegates to represent this State in the Honorable, the Congress of the United States of America for one Year, to commence on the first Monday in November next To hold exercise and enjoy the said appointment with all powers, preheminences, privileges Authorities and emoluments to the same beonging or in any wise appertaining.

Witness Richard Caswell esquire our Governor, Captain-General and Commander in Chief, under his hand and our Great Seal at Kinston the third day of March in the Year of our Lord One thousand Seven hundred and eighty Seven and in the eleventh Year of our Independence.

R C CASWELL

By His Excellency's Com^d

W. CASWELL, P. Sec^r

[SEAL PENDENT]

¹ Original credentials, delivered by Mr. James White, November 10, 1787, *Papers of the Continental Congress*, North Carolina Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 237.

[Credentials of South Carolina delegates ¹]

State of South Carolina

By his Excellency Thomas Pinckney Esquire Governor and Commander in chief in and over the State aforesaid

To the Honorable Daniel Huger Esquire Greeting

Whereas the Legislature of this State did on the sixth day of March last appoint you the said Daniel Huger a Delegate to represent this State in the Congress of the United States of America from the first Monday in November next until the first Monday in November which will be in the Year one thousand Seven hundred and eighty eight I do therefore by Virtue of the power and Authority in me vested by the Legislature of this State commission you the said Daniel Huger to be a Delegate to represent this State in the Congress of the United States of America from the said first Monday in November next until the first Monday in November which will be in the Year one thousand Seven hundred and eighty eight and no longer.

Given under my hand and the Great Seal of the State in the City of Charleston this Twenty ninth day of September in the Year of our Lord one thousand Seven hundred and Eighty Seven and of the Sovereignty and Independence of the United States of America the Twelfth.

By his Excellencys command.

PETER FRENEAU *Secretary*

[SEAL PENDENT]

THOMAS PINCKNEY

[Credentials of Abraham Baldwin, Georgia ²]

The State of Georgia by the Grace of God free, Sovereign and Independent

To the Honorable Abraham Baldwin, Esq^r

We, reposing especial trust and confidence in your Patriotism, Conduct and fidelity Have, and by these presents Do nominate and

¹ Original credentials on parchment of Mr. Daniel Huger, Mr. John Parker and Mr. Thomas Tudor Tucker, delivered November 12, and 12 and December 18, 1787, respectively, *Papers of the Continental Congress*, South Carolina Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 227, 226 and 234, respectively. The three credentials are identical, hence only those of Huger are printed.

² Original credentials, delivered November 5, 1787, *Papers of the Continental Congress*, Georgia Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 239.

appoint you the said Abraham Baldwin a Delegate to represent our said State in the Honorable the Congress of the United States from the first Monday in November instant to the first Monday in November next; and for so doing this shall be your Commission.

Witness our trusty and well beloved George Mathews, esquire, our Captain-General Governor and Commander in Chief of our said State under his hand and our great Seal at
 Geo Mathews Augusta, this Seventh day of November in the year of our Lord one thousand seven hundred and eighty seven; and of our Sovereignty and Independence the twelfth.

By his Honors Command.

J. MILTON, Sec^y

[SEAL PENDENT]

TUESDAY, JANUARY 22, 1788.

Congress assembled present as yesterday and from the state of New Jersey Mr [Jonathan] Dayton.

Congress proceeded to the election of a president and the ballots being taken

The hon^{ble} Cyrus Griffin was elected.

A letter¹ of the 16 from the hon^{ble} J[ohn] Armstrong was read wherein he informs Congress that he declines the office of Judge to which he was elected the 16 Oct last.²

¹ *Papers of the Continental Congress*, No. 78, I, p. 501, letter of John Armstrong to Charles Thomson, declining appointment as Judge of Western Territory, dated January 21, 1788. This proceeding is also entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, p. 23.

² JANUARY 22, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 177, the following committee was appointed:—

Mr. Samuel Allyne Otis, Mr. Abraham Clark, Mr. William Irvine, Mr. James Madison and Mr. Nathaniel Mitchell, as a committee on qualifications. Report rendered February 1, 1788.

According to indorsement the following were read:

Letter of George Washington to Charles Thomson, November 10, 1787, respecting Baron von Steuben. *Papers of the Continental Congress*, No 19, V, pp. 581-582, with an enclosed certificate on p. 585. See October 6 and 25, 1787, and February 1, 1788.

Letter of George Mathews, governor of Georgia, to [President of Congress], November 15, 1787, on state of Indian affairs. *Papers of the Continental Congress*,

WEDNESDAY, JANUARY 23, 1788.

Six states only attending namely Massachussetts New Jersey Pennsylvania Maryland Virginia and South Carolina and from New hampshire M^r [Nicholas] Gilman from Connecticut M^r Jer[emiah] Wadsworth from Delaware M^r [Dyre] Kearny from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin the president adjourned Congress till to morrow 11 oclock.

THURSDAY, JANUARY 24, 1788.

The same as yesterday.

¹ FRIDAY, JANUARY 25, 1788.

The same as before.

No. 73, pp. 365-366, with an enclosed Report of the Committee of the House on pp. 369-376. See February 1 and June 27, 1788.

Petition of Jacobus Demerest, John Demerest and Peter Bogart, November 21, 1787, for reimbursement for property taken. *Papers of the Continental Congress*, No. 42, II, p. 366. See February 1, 11 and July 21, 1788.

Memorial of Israel Evans, December 6, 1787, for a grant of land. *Papers of the Continental Congress*, No. 41, III, pp. 141-142. See February 1 and 11, 1788.

Letter of Pierre Langlois to Charles Thomson, September 28, 1787, respecting Kaskaskias. *Papers of the Continental Congress*, No. 48, pp. 89-91, original in French with English translation on pp. 97-98. See February 1 and 5, 1788.

Talk of Headmen of Cherokees to President of Congress, September 8, 1787, proposing Alexander Droomgoole as Superintendent of Indian Affairs. *Papers of the Continental Congress*, No. 56, pp. 421-423. See February 1, 5 and 25, 1788.

Letter of John Sevier to President of Congress, November 2, 1787, respecting sentiments of inhabitants of the State of Franklin. *Papers of the Continental Congress*, No. 78, XXI, pp. 481-482. See February 1 and 5, 1788.

Letter of Frederick Augustus Muhlenberg, President of the Convention of Pennsylvania, to President of Congress, December 15, 1787, transmitting the ratification of the Constitution with a resolution for a grant of lands to Congress. Department of State. See *Documentary History of the Constitution*, vol. 2, p. 27.

Letter of Thomas Collins to Charles Thomson, December 22, 1787, transmitting the ratification of the Constitution by Delaware. Department of State. See *Documentary History of the Constitution*, vol. 2, p. 24.

Letter of Matthew Griswold, President of the Convention of Connecticut, to President of Congress, January, 1788, transmitting the ratification of the Constitution. Department of State. See *Documentary History of the Constitution*, vol. 2, p. 86.

¹ Roger Alden makes the entry for this day.

¹ MONDAY, JANUARY 28, 1788

TUESDAY, [JANUARY] 29, 1788,

WEDNESDAY, [JANUARY] 30, 1788.

The same as before.

THURSDAY, JANUARY 31, 1788.

Six states attended present Massachusetts New Jersey Pennsylvania Delaware Maryland and South Carolina, and from New Hampshire M^r [Nicholas] Gilman from Connecticut M^r Jeremiah Wadsworth from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin.

FRIDAY, FEBRUARY 1, 1788.

Congress Assembled present Massachusetts New Jersey Pennsylvania Delaware Maryland Virginia and South Carolina and from New Hampshire M^r [Nicholas] Gilman from Connecticut M^r Jer[emiah] Wadsworth from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin.

² The committee consisting of M^r [George] Thatcher M^r [Jeremiah] Wadsworth and M^r [William] Irvine to whom was referred a Petition ³ of Thomas Russel praying for sea letters for the Ship Hercules, and an application for sea letters for the Ship Asia, report

That they are satisfied that the ship Hercules is american built and commanded and manned by Americans and the ship Asia, John Barry Commander, is american built and commanded and manned by Americans, Whereupon Ordered That sea letters in the usual form be granted for the Ship Hercules, Moses Browne Commander, and also for the Ship

¹ Charles Thomson resumes the entry.

² Roger Alden takes up the entry.

³ *Papers of the Continental Congress*, No. 42, VI, p. 532. The petition was dated December 14, 1787 and read and committee appointed on February 1, 1788.

Asia, John Barry Commander, both bound for Canton in China.

The committee consisting of Mr [Samuel Allyne] Otis Mr [Abraham] Clark, Mr [William] Irvine, Mr [James] Madison and Mr [Nathaniel] Mitchel to whom was referred the Credentials produced by the Delegates from the States of New Hampshire, Massachusetts, Connecticut New Jersey, Pennsylvania, Delaware, Maryland Virginia, North Carolina, South Carolina and Georgia, ~~report,~~ ¹[made report ²which being amended was accepted and is as follows] that they have carefully examined the same ¹[Credentials], and are of opinion that Mr [Nicholas] Gilman of New Hampshire, Mr [Samuel Allyne] Otis and Mr [George] Thatcher of Massachusetts, Mr Jeremiah Wadsworth of Connecticut, Mr [Abraham] Clark Mr [Jonathan] Elmer and Mr [Jonathan] Dayton of New Jersey, Mr [William] Irvine Mr [John] Armstrong and Mr [James R.] Reid of Pennsylvania Mr [Dyre] Kearny and Mr [Nathaniel] Mitchel of Delaware, Mr [James] Madison, Mr [Cyrus] Griffin and Mr [John] Browne of Virginia, Mr [James] White of North Carolina Mr [Daniel] Huger, Mr [John] Parker and Mr [Thomas Tudor] Tucker of South Carolina and Mr [Abraham] Baldwin of Georgia are authorised to sit and vote in the present Congress of the United States until the first Monday in November next and no longer. That Mr [John Eager] Howard and Mr [Benjamin] Contee of Maryland are authorised to sit and vote in the Congress of the United States until the second Monday in December next.

~~Resolved that Congress agree to said report.~~

¹ The words bracketed were added by Charles Thomson.

² *Papers of the Continental Congress*, No. 23, pp. 277 and 279, in writing of Mr. Samuel Allyne Otis. The original report had a concluding paragraph as follows:—"Your Committee further report that, the paper purporting to be a Commission to Mr Parker of South Carolina, is not authenticated by the signature of the Governor or first Magistrate of the State aforesaid." The unsigned credentials are in *Papers of the Continental Congress*, South Carolina Credentials. See January 22, 1788.

¹ A letter ² of 22 Jan^y from M^r J[ames] White was read stating that as his holding the Office of Superintendant of Indian Affairs is incompatible with the appointment given him by the State of North Carolina as delegate in Congress, he therefore resigns his Office of Superintendent.

[Report of Secretary of Congress on sundry petitions and letters³]

OFFICE OF SEC^y OF CONGRESSJan^y 23, 1788

On the letter of the Governor of Georgia dated 15 Nov^r stating the reasons for going to war with the Creek Indians

The Sec^y of Congress reports

That the letter of 15 Nov^r from the Governor of Georgia with the paper enclosed be referred to a com^{ee} ⁴

On the letter of the 10 Nov^r from gen^l Washington transmitting a copy of the paper enclosed in M^r President Laurens letter of 19 feb^y 1778 agreeably to the order of 25 Oct^r last

The Secretary of Congress reports That there was a com^{ee} appointed by the last Congress to consider and report upon the claims of Baron Steuben, he therefore submits

That the com^{ee} on the claims of Baron Steuben be revived and that the letter of 10 Nov^r from gen^l Washington with the paper enclosed be referred to that committee.⁵

¹ Charles Thomson resumes the entry.

² *Papers of the Continental Congress*, No. 78, XXIV, p. 599, addressed to Charles Thomson.

³ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 66-67.

⁴ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 178, the committee consisted of Mr. James Madison, Mr. James White, Mr. Abraham Baldwin, Mr. Dyre Kearny and Mr. Jonathan Elmer. Besides the letter a report of a committee of the state of Georgia on the conduct of the Creek Indians was also referred. The committee was renewed June 4, 1788. See January 22, June 20, 27 and July 15, 1788.

⁵ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 178, the committee consisted of Mr. William Irvine, Mr. Nicholas Gilman, Mr. James Madison (replaced on March 6 by Mr. Jeremiah Wadsworth), Mr. Dyre Kearny and Mr. Samuel Allyne Otis. A letter of Baron von Steuben was also referred. This committee was renewed June 4, 1788. See October 6 and 25, 1787, January 22 and July 7, 1788.

On the letter ¹ of the 2 Nov^r from John Sevier informing Congress that he has the honor to preside over a state which he calls the state of Franklin ~~of which~~ "and that a great majority of the people of that state hold out and contend for a separate and an independent and separate government from that of North Carolina agreeable to the cession Act passed in June 1784"

The Secretary of Congress reports That on the 20th of Oct last Congress again brought before the view of North Carolina and Georgia the Subject of surrendering to the Union a portion of their territorial claims in the western country for the general benefit, that no answer is yet received from either of those states to this last representation of Congress, and it not appearing that any thing can, in the present situation of the federal government, be done to effect, he therefore reports

That the letter of 2 Nov^r from J Sevier be filed.

On the letter ¹ of the 8 Sept from the Cherokee Indians proposing that H Droomgoole be appointed an agent or Superintendant to reside among them

The Secretary of Congress reports

^{ag^d} That the letter of 8 Sept from the Cherokee Indians be referred to the Secretary at war to report.²

On the letter from P. Langlois of Kaskaskies representing the bad conduct of I. Dodge and one Tardiveu

The Secretary reports ~~That complaints of a similar nature have been made to him by a Mr Parker now in this city and late from that country he therefore reports~~

^{ag^d} That the letter of 28 Sep^r from P. Langlois be referred to a committee.²

On the petition of Jacobus Demarest and others in behalf of the people of Bergen Country stating difficulties which prevent their obtaining certificates for sums due to them by the United States

The Sec^y of Congress reports

^{ag^d} That the petition of J Demarest and others be referred to the board of treasury.³

On the petition of Israel Evans praying for a grant of Lands in consequence of his having served as a chaplain in the Army during the late war

¹ See January 22, 1788.

² See January 22 and February 5, 1788.

³ See January 22 and February 11, 1788.

The Secretary of Congress presuming that Congress will not act partially nor grant favours to one which they have not thought proper to grant others in similar circumstances and who have performed like services therefore reports.

That M^r Israel Evans have leave to withdraw his petition.¹

[Report of Board of Treasury on memorial of Betts, Campbell, Stewart and Taylor.²]

The Board of Treasury to whom was referred the Memorial of William M. Betts, John Campbell, Archibald Stewart and George Taylor Assistants to Col^o Udney Hay Deputy Quarter Master for the middle department, in the Years 1778, 1779 and 1780,

Beg leave to Report,

That the object of the Memorialists is to obtain further compensation, on Account of the reduced value of their pay, which at the time they received their appointment, was Forty dollars per Month; although the pay of the Assistants in the succeeding Establishment of the Quarter Master General's Department was fixed at seventy five dollars per Month.

On the above Memorial the Board beg leave to observe, that the pay of the Memorialists appears from time to time to have been augmented on Account of the depretiating state of the Continental Currency; and although such Augmentation, when reduced to Specie Value, may not (as the Memorialists state) be adequate to the Sum of Forty Dollars in specie per Month, yet relief cannot be given in this instance, without extending the Claim of depretiation to all Officers in the late Staff Departments, of the Army, as well as to others in the public service, whose Nominal Pay, may on a revision of their Accounts, not appear to have been adequate, to their respective Services.

That the Act³ of Congress of the 10th of April 1780, limits the Claim of depretiation to persons in the line of the Army, or belonging to Independent Corps; provided they were at the time of passing that Act in service under enlistment for three Years, or during the War; or

¹ See January 22 and February 11, 1788.

² *Papers of the Continental Congress*, No. 138, I, pp. 111-114, read February 1, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 419. See April 19, 1787.

³ *Journals*, vol. XVI, pp. 344-345.

should thereafter, engage in the Army during the War; That the benefit of this Act was afterward extended to the Military Hospital; but that Congress have uniformly rejected all Applications, which have been made to them for extending it to the Officers of the Staff Departments.

That, it is therefore to be presumed, that Congress have, on a consideration of this subject, judged it impracticable to extend general relief, to the numerous characters engaged in their service during the War, who have been sufferers, from the depreciation of the Paper, which they received in payment. Under these circumstances they submit to the opinion of Congress the following Resolve.

That the Memorial of W^m M Betts, John Campbell, Archibald Stewart and George Taylor late assistants in the Quarter Master Generals department, praying for a further allowance on account of the Depreciation of their respective pay cannot be complied with.

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

January 25th 1788.

[Report of Board of Treasury on memorial of J. Story ¹]

The Board of Treasury to whom was refered the Memorial ² of John Story,

Beg leave to Report

That the Memorialist solicits of Congress an allowance for his Services whilst attending a settlement of the Accounts of the late Major General Greene, as Quarter Master General of the Army from the 21st of April 1781, to the 8th day of July 1784, and that the depreciation of money by him received on account of Pay &c. previous to the 5th day of August 1780, should be made good.

He further states, that in the month of June 1777, (agreeably to the plan ³ established by Congress on the 14th May 1777) he was appointed

¹ *Papers of the Continental Congress*, No. 138, II, pp. 417-422, read February 1, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No 140, I, p. 423. See March 12 and September 5, 1788.

² *Papers of the Continental Congress*, No. 41, IX, pp. 295-299, dated and read February 7, 1785. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 44, the part of the petition referring to pay while settling public accounts was referred to the Board of Treasury to report. See *Journals*, vol. XXVIII, p. 47 n. Cf. March 25, 1788.

³ *Journals*, vol. VII, pp. 355-359.

Quarter Master to General Glover's Brigade, with the rank of Captain, and on the 17th of October following, Deputy Quarter Master General to a division of the Northern Army, with the rank of Lieutenant Colonel; in which capacity he continued 'till he was appointed Paymaster to the Quarter Master Generals department under the late Major General Greene in Camp, with the same Pay and Emoluments as were annexed to his former station; that he has not received the commutation or other emoluments annexed to the rank of a L^t Colonel in the Army; and therefore submits it to the Consideration of Congress whether the same should not be made.

It is likewise alledged by the said Memorialist, that from September 1781, to the death of the late Major General Lord Stirling, he acted as an Aid du Camp to that Officer; but it does not appear that on this account he makes any claim. On the above memorial the Board beg leave to state to Congress, That on the 24th July 1781, the United States resolved,¹ "that M^r John Story should repair to Camp, and there carefully transact and settle the business belonging to the late Quarter Master Generals department, untill the further orders of Congress and that he should be allowed for his Services, the pay and Rations of a Captain in the line of the Army."

That this compensation not being satisfactory to M^r Story, he declined this appointment; and that on the 15th of August following it was resolved² in Congress, "that M^r Story be informed that his claim to Rank is Inadmissable, and that his further services be dispensed with." This Act of Congress precludes M^r Storys claim to any compensation on the part of the United States for services in assisting in the settlement of the Accounts of the late Major General Greene, as well as of his pretentions on account of rank &c. as a Deputy Quarter Master General.

Exclusive of this it may be necessary to observe on the first point, That in the opinion of this Board, the Commission of one per Cent allowed to the late Major General Greene, and his two principal Assistants in the Quarter Master Generals department was meant and ought include all charges and expences for rendering their accounts of expenditures, so as to entitle them to the said Commissions.

On the second point, That in the rejection of Rank, on account of a commission in the Staff department (and consequently of the emoluments of Commutation &c. dependant thereon) the Act of Congress

¹ *Journals*, vol. XXI, p. 786.

² *Journals*, vol. XXI, p. 873.

above stated, is in strict conformity to their invariable determination, on applications of the same nature from Officers in the Staff departments, more especially in the Case of Colonels Udny Hay and Morgan Lewis, as will appear by the Acts ¹ of Congress of the 29th of May 1778 and 7th April 1783.

With respect to the claim of the Memorialist on account of Depreciation, the Board beg leave to observe,

That the Act of Congress relative to depreciation does not extend to any Officers in the late Staff departments; except those of the Hospital; and Congress have constantly rejected the numerous applications which have been made for extending it. It may be further necessary to observe that it appears from the documents accompanying this Memorial, that the State of Massachusetts has, notwithstanding, paid to the Memorialist the sum of Two thousand four hundred and sixty Dollars and 11/90^{ths} on account of depreciation; the amount of which, under the existing Acts of Congress, cannot be admitted as a charge against the United States.

Under the circumstances above stated, the Board submit the following Resolve,

That the claims of John Story in his Memorial of the 7th of February 1785, are inadmissible.

All which is humbly submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

January 25, 1788.

[Report of Board of Treasury on memorial of P. Noyes ²]

The Board of Treasury to whom was refered a Memorial ³ of Paul Noyes of the 8th of February 1786.

Beg leave to Report

That the powers and duties of the late State Commissioners (so far as they relate to the Settlement of the claims of Individuals against the United States) have devolved on the Accountant of the Treasury; and are in the opinion of the Board competent to the settlement of the claims of the Memorialist; they therefore submit to the consideration of Congress the following order.

¹ *Journals*, vol. XI, pp. 554-555 and vol. XXIV, p. 230, respectively.

² *Papers of the Continental Congress*, No. 138, II, pp. 213-214, read February 1, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 427.

³ *Papers of the Continental Congress*, No. 42, V, p. 465, with accompanying documents between pp. 468-480. See *Journals*, vol. XXX, p. 60 n.

That the petition and account of Paul Noyes, of the 8th of February 1786, be referred to the Consideration and adjustment of the Accountant of the Treasury.

All which is humbly submitted,

January 26th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Report of Board of Treasury on petition of J. Hurd ¹]

The Board of Treasury to whom was referred the Petition of John Hurd,

Beg leave to Report

That the Petitioner sets forth that he is in Possession of two setts of Exchange drawn by the United States or their Commissioner at the Court of Versailles; which Bills were issued for the Payment of Interest on Loan Office Certificates.

That from an examination of M^r Barclays Accounts it appears, that of the Bills drawn as above stated, about Seventeen thousand Dollars have not been paid.

That sundry setts of these Bills not paid, have been presented to the Board of Treasury for payment some of which have been regularly protested, and the damages accruing thereon have been demanded equally as the Principal.

That it is the opinion of this Board that the Holders of those Bills are entitled to the same Justice as Persons holding Private Bills returned for want of acceptance or non-payment.

The following resolve is therefore submitted,

That such Bills of Exchange as have been drawn by the United States or their Commissioner at Paris for Interest on Loan Office Certificates, and have not been discharged be paid agreeably to the custom of Merchants, and in such manner as the State of the Finances will best admit of.

All which is humbly submitted.

SAMUEL OSGOOD
WALTER LIVINGSTON

BOARD OF TREASURY
January 28th 1788.

¹ *Papers of the Continental Congress*, No. 138, I, pp. 613-614, read February 1, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 435. See October 9, 1787.

[Report of Board of Treasury on memorial of D. Henley ¹]

The Board of Treasury to whom was referred the Memorial of M^r David Henley one of the Commissioners for settling the claims of the State of Virginia, on Account of the Western Territory, ceded by that State to the United States.

Beg leave to Report

That the said Commissioner being appointed an Arbitrator, as well on the part of the State of Virginia, as on that of the United States, to examine into and decide on the claims aforesaid, in the mode pointed out by the Act ² of Congress of the 13th of April 1785; it appears reasonable that his service and expences should be a joint and equal charge, against the parties.

That the allowance made to the Commissioner on the part of the United States, during his attendance on this Reference is six Dollars per day; which sum, the Board presume would be a proper compensation for the Service and expences of M^r Henley.

They submit to the consideration of Congress the following Resolves, viz^t *Resolved*, That the expences attending the service of David Henley, one of the Commissioners appointed to adjust certain claims on Account of the Western Cession made by the State of Virginia in pursuance of the Act of Congress of the 13th of April 1785 ought in the opinion of Congress to be a joint and equal charge against the State of Virginia, and the United States.

Resolved, That on the part of the United States there be allowed to the said David Henley at the rate of Three dollars per day on Account of his service and Expences, whilst attending on that Business.

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

January 29th 1788.

[Report of Board of Treasury on memorial of J. B. Diricks.³]

The Board of Treasury to whom was referred the Memorial of R. J. Vanden Brock, in behalf of Lieutenant Colonel Diricks

¹ *Papers of the Continental Congress*, No. 138, I, pp. 593-595, read February 1, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 439. See July 6, 1787 and June 4, 1788.

² *Journals*, vol. XXVIII, p. 261.

³ *Papers of the Continental Congress*, No. 138, II, pp. 467-468, read February 1, 1788. The covering letter of the Board, dated January 28, 1788, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 431. See April 25 and 26, 1787.

Beg leave to Report.

That the Memorialist states that whilst Colonel Diricks was in the Family of the late Major General Lord Stirling in the Year 1777, he made sundry advances on account of that Officer the Reimbursement of which he claims of the United States. On an examination of the account accompanying this Memorial there is no Evidence that the same was advanced on account of the United States, neither is the same supported by any other voucher, than the Oath of the Claimant. The Board submit therefore to the consideration of Congress the following Resolve.

That the Memorial of R. J. Vanden Brock, attorney of the late Lieu^t Colonel Diricks be dismissed, the said Colonel Diricks having no claim against the United States for the disbursements, set forth in the said Memorial.

All which is humbly Submitted.

January 28th 1787 [1788]

SAMUEL OSGOOD
WALTER LIVINGSTON

[Letter of Secretary at War respecting J. Sullivan.¹]

WAR OFFICE *January 25th 1788*

SIR: I have the honor to transmit to your Excellency the Copy of a letter said to have been written by a certain M^r John Sullivan, together with the evidence of its authenticity.

This letter was delivered to me by the Secretary of Foreign Affairs to whom it was enclosed from Philadelphia. The strong intimations contained in it of an audacious and unjustifiable design which might involve the United States in a war with a foreign nation, seemed to require that some measures should be immediately taken thereon. Accordingly I conceived it my duty in the recess of Congress to transmit to Brigadier General Harmar the commanding Officer of the troops on the frontiers, the directions contained in the enclosed letter to him, which I humbly hope may be conformable to the judgement of Congress.

I have hitherto considered this letter as a secret of State, and it is with all possible deference that I take the liberty of suggesting to Congress the propriety of its still being considered in that light.

¹ *Papers of the Continental Congress*, No. 150, III, pp. 17-19, read February 1, 1788. The enclosures mentioned are on pp. 1-5 and 13-14. See July 15, 1788.

Beg leave to Report.

That the Memorialist states that whilst Colonel Diricks was in the Family of the late Major General Lord Stirling in the Year 1777, he made sundry advances on account of that Officer the Reimbursement of which he claims of the United States. On an examination of the account accompanying this Memorial there is no Evidence that the same was advanced on account of the United States, neither is the same supported by any other voucher, than the Oath of the Claimant. The Board submit therefore to the consideration of Congress the following Resolve.

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All which is humbly Submitted.

January 28th 1787 [1788]

SAMUEL OSGOOD
WALTER LIVINGSTON

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¹ *Papers of the Continental Congress*, No. 150, III, pp. 17-19, read February 1, 1788. The enclosures mentioned are on pp. 1-5 and 13-14. See July 15, 1788.

It is a fact well ascertained that reports have been circulated on the frontiers, that Congress were about to obtain advantages for the marine States at the expence of some of the rights of the inhabitants of the western waters. If to the existing opinions and prejudices on this subject, fresh matter heightened probably by misrepresentation should be added, the result might be greatly pernicious to the public interests.

No report has been received in consequence of my directions of the 14th of November, indeed sufficient time has not yet elapsed to expect any.

I have lately been informed that Brigadier General Harmar returned to the Muskingum on the 20th of November from the expedition to post Vincennes on the Wabash. That he had transmitted to me a particular report of the operation of the troops, and of the treaties he had formed with several indian tribes at that post. That the person to whom the letters were entrusted had been detained on the road by accident but that he might be daily expected in this City. As soon as he shall arrive all the material intelligence in the public dispatches, will be submitted to Congress.

I have the honor to be, etc.,

H KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letters of Secretary for Foreign Affairs transmitting correspondence.]

OFFICE FOR FOREIGN AFFAIRS

23^d January 1788 ¹

SIR: I have the Honor to transmit to your Excellency, herewith enclosed, sundry Letters from M^r Adams ² of 10th 22^d and 23^d Sep-

¹ *Papers of the Continental Congress*, No. 80, III, p. 359, read February 1, 1788.

² *Papers of the Continental Congress*, No. 84, VI, pp. 505-507, (with enclosures pp. 509-510, 513, 515); 519-521; 523-525, (with enclosure pp. 527-528); and 531-533, respectively. The letter of September 10 deals with proposals of the Court of Lisbon respecting the appointment of ministers. The first of September 22 discusses the effects of the circular letter respecting the infractions of the treaty of peace, the critical situation of England and European politics. The second of September 22 indicates measures taken to relieve American seamen impressed in England. And that of September 23 relates the critical state of European politics and the benefits that would accrue to America. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 177, these letters were referred to the Secretary for Foreign Affairs to report. See February 12, 1788.

tember last, and one from M^r Carmichael ¹ of 19th August together with the Papers that are mentioned in them respectively, and am with great Respect, etc.,

JOHN JAY.

His Excellency CYRUS GRIFFIN Esq^r
President of Congress.

OFFICE FOR FOREIGN AFFAIRS

23^d Jan^y 1788²

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, four Letters ³ from M^r Jefferson of 19th and 22^d September and 8th and 27th October 1787, together with all the Papers that accompanied them, except an Extract from the Minutes of the Admiralty of Guadaloupe mentioned in his Letter of 19th September, which being lengthy and in the french Language the Interpreter has not yet made a Translation of it.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency
THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*. No. 88, II, pp. 500-503. This letter sets forth the measures taken to elucidate the claim of South Carolina for services rendered by the Frigate commanded by Commodore Gillon. According to indorsement and the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 23, a copy of this letter was given to the delegates of South Carolina. See February 12, 1788.

² *Papers of the Continental Congress*, No. 80, III, p. 363, read February 1, 1788.

³ The letter of September 19 deals with the sending forward of the ratification of the Moroccan treaty, redemption of prisoners, European politics and the claim of South Carolina. Those of September 22 inform that the Prussian army has entered Holland and that reductions will be made in certain duties. That of October 8 discusses politics of France, European events and the protection of Mr. Dumas. And that of October 27 gives account of the declarations of England and France for disarming. It is noted that there were five letters instead of four. These letters are published in Washington's edition of *Jefferson's Complete Works*, vol. 2. According to indorsement and the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 23, a copy of the part of the letter of September 19 relating to the claim of South Carolina was given to the delegates of that State. See February 5, 11 and 12, 1788.

OFFICE FOR FOREIGN AFFAIRS

24th January 1788 ¹

SIR: I have the Honor to transmit to your Excellency, herewith enclosed, a Letter from the Marquis de la Fayette ² of 15th October last, together with one from the Chev^r de la Luzerne ³ (without Date) which I have just received.

I have the Honor to be etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

25th Jan^y 1788 ⁴

SIR: I have the Honor to transmit to your Excellency, herewith enclosed, two Letters ⁵ from M^r Dumas of 5th and 27th September last, together with the Papers mentioned in them and Translations. and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

NEW YORK 26th January 1788 ⁶

SIR: I have the Honor of transmitting to you a Letter from the Minister of the United Netherlands,⁷ dated the 18th Ult., together

¹ *Papers of the Continental Congress*, No. 80, III, p. 367, read February 1, 1788.

² *Papers of the Continental Congress*, No. 156, pp. 462-465. This letter discussed European politics and Lafayette's opinion regarding the frontier posts and the navigation of the Mississippi.

³ This was a letter of compliment and introduction of Count de Moustier.

⁴ *Papers of the Continental Congress*, No. 80, III, p. 371, read February 1, 1788.

⁵ *Papers of the Continental Congress*, No. 93, III, pp. 291-293 and 303-305, respectively with enclosures on pp. 295-300 and 307-310, originals in French. Letter No. 26, September 5, 1787, deals with the political and military situation in Holland. No. 27, September 28, relates the difficulties which Dumas had in attempting to secure protection from the military authorities at the Hague. See February 5 and 11, 1788.

⁶ *Papers of the Continental Congress*, No. 80, III, p. 375, read February 1, 1788. The enclosed letters, except Van Berckel's, are on pp. 379, 383 and 387-388. See May 2, 1788.

⁷ *Papers of the Continental Congress*, No. 99, pp. 285-286, original in French with English translation on pp. 289-90. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 177, this letter was referred to the Secretary for Foreign Affairs to report. Report rendered March 25, 1788.

with a Translation of it, a Copy of a Letter on the Subject of it from me to the Mayor of this City, dated the 4th Instant, his Answer of the 7th Instant, and a Copy of my Letter to the Minister, dated the 10th Instant. I have Reason to hope that the Mayor will take proper Measures to satisfy the Minister, and thereby render the Interposition of Congress unnecessary.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

26th Jan^y 1788 ¹

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, a Letter ² from Sir John Temple of the 7th December last, and my Answer ² to it of the 11th of the same Month. I have no Reason to expect any further Applications on the Subject of them, and I trouble you with these Papers only because I apprehend it to be my Duty to give Congress from Time to Time, the most perfect Information of my official Transactions.

I have the Honor to be with great Respect, etc.,

JOHN JAY.³

His Excellency

THE PRESIDENT OF CONGRESS.

⁴ [TUESDAY], FEBRUARY 5, 1788.

Congress Assembled, present as before.

The Com^{rs} appointed on the 2^d Dec^r 1785 to run a line of Jurisdiction between the States of Massachusetts and New York reported that they have executed that business accom-

¹ *Papers of the Continental Congress*, No. 80, III, p. 418, read February 1, 1788.

² *Papers of the Continental Congress*, No. 92, pp. 535 and 539, respectively.

³ FEBRUARY 1, 1788. According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 23, the following was received:

Letter of President of the Convention of New Jersey to [Charles Thomson] February 1, 1788, transmitting the ratification of the Constitution.

⁴ Roger Alden takes up the entry.

panying their report with a draught of the line run and their field notes.¹

[Report of Secretary of Congress on sundry letters and petitions ²]

OFFICE OF SECRETARY OF CONGRESS

Feb^y 2 1788

On the letter 19 Sept 1787 from M^r Jefferson

The Secretary reports

That an extract of the letter of 19 Sep^t 1787 from M^r Jefferson so far as relates to the redemption of Captives be transmitted to the board of treasury under an injunction of Secresy.³

agreed

On the letter of 5 Sept 1787 from M^r Dumas

The Secretary report that an extract of M^r Dumas' letter of 5 Sept 1787 so far as relates to the arrears due to him and the payment of his yearly salary be referred to the board of treas^y.³

agreed

On the letter of 18 Dec^r from the Minister plenipotentiary of the United Netherlands complaining of a violation of his privileges The Sec^y Reports that the letter of 18 Dec^r 1787 from the Minister plenipotentiary

On the letter of 22 Jan^y from M^r J White resigning the

On the letter ⁴ of 24 Jan^y from John Fitch praying Congress to grant him a premium for his invention of a *steam boat* or applying steam to work a boat against wind and tide without sails or men to labour

Negatived
agreed to
Feb^y 13.

The secretary reports that the letter of 24 Jan^y from J. Fitch be referred to a committee.

¹ This paragraph was entered by Thomson in a blank just above the date February 5, instead of below. The letter of Thomas Hutchins to President of Congress, dated February 4, 1788, was read on February 5 according to indorsement by Roger Alden. The letter is also indorsed "The report, plan and field notes filed in a roll Iron chest." *Papers of the Continental Congress*, No. 60, p. 327.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 68.

³ See February 1 and 11, 1788.

⁴ *Papers of the Continental Congress*, No. 42, III, pp. 169-170, read February 5, 1788. There is indorsed on the petition a list of documents, which were delivered to Mr. Clark on August 19, 1788. See February 11, 13, and March 5, 1788.

On the Memorial¹ of J Read for compensation for Services in the marine department

And the petition² of Jacob L Roy and Sons touching the payment of interest due on certificates held by certain persons in The United Netherlands

The Sec^y reports

Agreed That the mem^l of J Read and the petition of J Le Roy and Sons be referd to the board of treas^y to report.

[Report of Board of Treasury on memorial of J. P. De Haas³]

The Board of Treasury to whom was referred the Memorial of John Pe De Haas relative to the settlement of the Accounts of his Father the late General De Haas,

Beg leave to Report.

That the Memorialist states, "that in the settlement of the public Accounts of his deceased Father, he finds it impossible to produce the proper Vouchers for the Expenditure of the whole of the Monies wherewith he stands charged; that the disbursements made by the deceased are however entered in his own hand writing, and sworn to by a Gentleman of known veracity; he therefore prays relief on the premises, so that a final adjustment of the said Account may be made."

On the above Memorial the Board observe; That the late General De Haas, at the time he commanded the first Regiment of Pennsylvania; received from the United States the Sum of Forty three thousand Dollars. That of this advance the Sum of Twenty five thousand Dollars appears to have been advanced to the Officers of the Regiment on Account of Pay of their several Companies; and is supported by proper Vouchers; and that the residue (being Eighteen thousand

¹ *Papers of the Continental Congress*, No. 41, VIII, p. 379, read February 5, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 179, the memorial was referred to the Board of Treasury in conformity with the report. Report rendered March 4, 1788.

² *Papers of the Continental Congress*, No. 42, IV, pp. 438-439, dated January 31 and read February 5, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 179, the petition was referred to the Board of Treasury in conformity with the report. Report rendered February 28, 1788.

³ *Papers of the Continental Congress*, No. 138, I, pp. 581-584, read February 5, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 443. See October 26, 1787.

Dollars) is stated to have been disbursed for the purpose of raising the Regiment on the new Establishment; this last Sum however does not appear supported by receipts from any one of the Officers, but merely entered in General De Haas's Memorandum Book.

It appears though on the evidence of the Memorialist (Son to the late General) that several of the principal Vouchers, are withheld by a M^r Shallus (a person who had the confidence of the General) and was acting Quarter Master to the Regiment, who refuses to give up the same, without a pecuniary reward.

The Board beg leave further to report; That although some of the Officers of General De Haas Regiment, have on the settlement of their Accounts, voluntarily credited the Monies with which they are charged; yet, that the far greater part of those Officers (some of whom are dead) have still to Account with the United States. Under the above circumstances, the Board have directed the Commissioner of Army Accounts to proceed to call to Account the Persons (or in case of death their legal representatives) who stand charged with advances in General De Haas Books; and are of Opinion, that, in the mean while, it would be improper to Exonerate the Estate of that Officer, from such part of the Monies advanced by the United States as is unsupported by proper Vouchers of disbursements.

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

February 2nd 1788.

[Letter of Secretary at War on Indian affairs ¹]

WAR OFFICE *February 4th 1788.*

SIR: I have the honor to transmit to your Excellency all the papers which have been received since the last session of Congress relative to the Indian department.

N^o 1. 2. 3. are letters from the Superintendant of the Northern Department containing several enclosures.

N^o 4 and 5 are letters from Captain Heart who is stationed with a company at Venango on French Creek.

¹ *Papers of the Continental Congress*, No. 150, III, p. 21, read February 5, 1788. The six numbered enclosures are on pp. 27-29, 31-34, 35-37, 39-40, 43, and 23-26, respectively, with enclosures of no. 1 on pp. 55, 59, and no. 2 on pp. 47-48 and 51-52.

N^o 6 is a letter from The Honorable Arthur S^t Clair Esq^r Governor of the Western territory.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Letters of Secretary for Foreign Affairs transmitting correspondence]

OFFICE FOR FOREIGN AFFAIRS

2^d February 1788¹

SIR: I have the Honor to transmit to your Excellency, herewith enclosed, three Letters² from the Honorable M^r Jefferson, dated 24th September and 3^d and 7th Novem^r last, together with the Papers mentioned in them; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

4th February 1788³

SIR: I have the Honor to transmit to your Excellency, herewith enclosed, a Letter from M^r Adams⁴ of 9th October, one from M^r Carmichael⁵ of 3^d July, and two from Col^l Smith of 12th Sept^r⁶ and 17th October⁷ 1787, together with the Papers mentioned to be en-

¹ *Papers of the Continental Congress*, No. 80, III, p. 422, read February 5, 1788.

² The letter of September 24 relates effect of disturbances in Holland on American funds there. That of November 3 discusses European affairs and American prisoners in Algiers. And that of November 7 is respecting Chevalier de la Luzerne. These letters are printed in Washington's edition of *Jefferson's Complete Works*, vol. 2.

³ *Papers of the Continental Congress*, No. 80, III, p. 426, read February 5, 1788.

⁴ *Papers of the Continental Congress*, No. 84, VI, pp. 535-538. It discusses the political temper of the Courts of England and France, character of the French ministers, precautions to be taken by the United States and effects of the commotion in Holland.

⁵ *Papers of the Continental Congress*, No. 88, II, pp. 496-497. It treats of affairs in the Barbary States.

⁶ *Papers of the Continental Congress*, No. 92, pp. 304-319, with nine enclosures on pp. 320-321; 324-327; 331; 335; 339; 343; 347, 349; 351; and 300-301, respectively. It gives an account of Smith's reception by the Court in Lisbon. See February 12, March 13 and July 28, 1788.

⁷ *Papers of the Continental Congress*, No. 92, pp. 375-377. It treats of affairs in Holland and measures taken by English merchants in regard to South America.

closed with them; and also a Letter from the Queen of Portugal¹ to Congress.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

NEW YORK 5th February 1788²

SIR: I have the Honor of herewith transmitting to your Excellency, a Letter³ from the Count de Moustier of the 4th Instant, together with the Papers mentioned to be enclosed with it, and Translations of them; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

NEW YORK 5th February 1788⁴

SIR: I have the Honor of transmitting to your Excellency a Letter,⁵ dated Yesterday, from the Count de Moustier, in which he conveyed to me a Copy of his Letter of Credence, and requests a public Audience &c: I enclose the Originals and Translations of them, and am with great Respect, etc.,

JOHN JAY.⁶

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 92, p. 351, August 2, 1787, copy in Portuguese, which is enclosure No. 8 of Smith's letter of September 12, 1787.

² *Papers of the Continental Congress*, No. 80, III, p. 434, read February 5, 1788.

³ *Papers of the Continental Congress*, No. 96, p. 384. The enclosures are copies of letter of recall of Chevalier de la Luzerne, p. 390, with translation pp. 394-395, and letter of Luzerne to President of Congress, pp. 396-397, with translation pp. 398-399. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 178, these documents were referred to the Secretary for Foreign Affairs to report. Report rendered June 2, 1788. See March 18, 1788.

⁴ *Papers of the Continental Congress*, No. 80, III, p. 430, read February 5, 1788.

⁵ *Papers of the Continental Congress*, No. 96, pp. 372-373. The copy of the letter of credence is on p. 378, with translation pp. 382-383. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 178, these letters were referred to the Secretary for Foreign Affairs to report. Report rendered February 13, 1788. See February 14 and 26, 1788.

⁶ FEBRUARY 5, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 179, the following committee was appointed:

Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White on the letter of P. Langlois, September 28, 1787, respecting Kaskaskias. See January 22, 1788. See also February 13 and 25, 1788.

¹ WEDNESDAY, FEBRUARY 6, 1788.

Five states only assembled namely Massachussetts Delaware Maryland Virginia and South Carolina and from New hampshire M^r [Nicholas] Gilman from Connecticut M^r [Jeremiah] Wadsworth from New Jersey M^r [Jonathan] Elmer from Pensylvania M^r [James R.] Reid from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin.

THURSDAY, FRIDAY AND SATURDAY, [FEBRUARY 7, 8 AND 9, 1788.]

Six States attended namely Massachussetts Pensylvania Delaware Maryland Virginia and South Carolina and from New hampshire M^r [Nicholas] Gilman from Connecticut M^r Jeremiah Wadsworth from New Jersey M^r [Jonathan] Elmer North Carolina M^r [James] White from Georgia M^r [Abraham] Baldwin.

MONDAY, FEBRUARY 11, 1788.

Congress assembled present New hampshire Massachussetts Pensylvania, Delaware, Maryland, Virginia, and South Carolina and from Connecticut M^r [Jeremiah] Wadsworth and from North Carolina M^r [James] White.

Also according to the *Committee Book*, p. 178, the following were referred:

Talk of the Cherokee Indians proposing Mr. Droomgoole for superintendant of Indian affairs. Referred to the Secretary at War to report. Report rendered February 25, 1788. See January 22, 1788.

According to indorsement the following was read:

Letter of Alexander C. Hanson to [Charles Thomson], December 30, 1787, respecting salary due as judge of court in dispute of South Carolina and Georgia. *Papers of the Continental Congress*, No. 49, pp. 175-178. See July 30, 1787, February 12 and March 5, 1788.

Also according to indorsement the letter of John Sevier to President of Congress November 2, 1787, respecting the state of Franklin, was ordered filed. *Papers of the Continental Congress*, No. 78, XXI, pp. 481-482. See January 22, 1788.

¹ Charles Thomson continues the entry.

Mr Paine Wingate a delegate for New Hampshire attended and produced credentials of his appointment which were read.

[Credentials of Paine Wingate, New Hampshire¹]

The State of New Hampshire.

To Paine Wingate Esquire

Greeting.

Whereas the General Court of this State did, at their Session held at Charlestown on the twenty ninth day of September Instant appoint you the said Paine Wingate, one of the Delegates to represent this State in the Congress of the United States of America: Now therefore Know You, that by these presents, in pursuance of the said Appointment you the said Paine Wingate are commissioned to be one of the Representatives of this State in Congress, and vested with all and singular the power and authority to the said Office or Place of Delegate belonging by virtue of the Constitution of this State, and the appointment aforesaid; To Have and to Hold to you the said Paine Wingate the said Office or Place of Delegate for the term of one year from and after the first day of November next unless sooner relieved or recalled by the General Court of said State.

In Testimony whereof, the Seal of said State is hereunto affixed: Witness John Sullivan Esquire President of said State at Charlestown this twenty ninth day of September Anno Domini One thousand, seven hundred and eighty seven, and of the Sovereignty and Independence of the United States of America the Twelfth.

JN^o SULLIVAN

By His Excellency's Command

JOSEPH PEARSON Sec^y

[SEAL]

A Memorial² of Israel Evans being read in the words following

"Charlestown Dec^r 6 1787. Sir, This memorial which I beg your excellency to communicate to the hon^{ble} Congress

¹ Original credentials, read February 11, 1788, in *Papers of the Continental Congress*, New Hampshire Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 245.

² See January 22 and February 1, 1788.

I have long delayed because I was unwilling to make any addition to the business and trouble of Congress until urged by necessity. At length thro' fear of sustaining a very considerable loss, I am constrained to make the following request That it may please the honorable Congress to grant me a certain quantity of military bounty land as much as to them seems fit in consideration of my service as chaplain in the late army during more than eight years. The custom of granting lands to chaplains in time past and the large bounties of land recently granted to the chaplains of the New-York and other lines of the army have encouraged me to hope that this application will not be disagreeable to the Congress nor without success. I would also take the freedom to observe that the medical staff who according to the rules of the army are entitled to no greater emoluments than the clerical staff have obtained those bounties in land which are agreeable to their wishes. When the honorable Congress are pleased to consider how long their memorialist served in the late war; how many losses he sustained and how little subsistence he rec^d from any of the States by reason of his serving in different lines of the Army he cannot but entertain some hope that the Congress will grant him such military lands as shall be in proportion to his station and pay in the late Army and will place him upon a footing with the chaplains of the state of New York. Should this memorial so far meet the favourable regard of the hon^{ble} Congress as to obtain what has been requested I beg leave to desire that whatever lands may be granted as a military right may be included in my shares of the land granted to the Ohio Company. With the greatest respect I am S^r y^r Ex^{rs} most obed^t humble serv^t

ISRAEL EVANS

HIS EX^r THE PRESIDENT OF CONGRESS

A motion was made by M^r [Samuel Allyne] Otis seconded by M^r [George] Thatcher that the memorial of Israel Evans

be referred to a com^{ee} And on the Question for commitment the yeas and nays being required by M^r [Samuel Allyne] Otis

New Hampshire

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachussets

M ^r Otis	ay	}ay
M ^r Thatcher	ay	

Connecticut

M ^r Jeremiah Wadsworth	no	*
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Pensylvania

M ^r Irvine	no	}d
M ^r Reid	ay	

Delaware

M ^r Kearny	no	}no
M ^r Mitchel	no	

Maryland

M ^r Howard	no	}no
M ^r Contee	no	

Virginia

M ^r Griffin	no	}no
M ^r Brown	no	

N^o Carolina

M ^r White	no	*
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So Carolina

M ^r Huger	no	}no
M ^r Parker	no	
M ^r Tucker	ay	

So the question was lost.

On a report¹ of the Secretary at War

Resolved, That the resignation of capt. Walter Finney be accepted and that it take effect from the 10th Nov^r 1787 the date of his request for that purpose.

On the report of a committee consisting of M^r [Jeremiah] Wadsworth M^r [Samuel Allyne] Otis and M^r [Daniel] Huger to whom was referred a petition² of Lynch and Stoughton, N. Cruger and T. Ludlow praying for a Sea Letter for a vessel called the Jenny now at New York and bound for the East Indies, of the burthen of three hundred tons and commanded by William Thompson, and who report "That the Jenny is owned entirely by citizens of the United States

¹ *Papers of the Continental Congress*, No. 151, p. 319, dated February 7 and read February 11, 1788. A copy of Finney's resignation is on p. 315.

² *Papers of the Continental Congress*, No. 42, IV, p. 434, read February 11, 1788. The reference to the committee is entered in the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 179.

and manned for the most part with citizens of the said states”

Ordered That Sea letters in the usual form be granted for the Jenny W. Thompson commander agreeably to the prayer of the petitioners.

[Report of Board of Treasury on memorial of E. Blaine¹]

The Board of Treasury to whom was referred the Memorial of Ephraim Blaine late Commissary General of Purchases,

Beg leave to Report,

That the Memorialist states “That the Commissioner of Accounts for the Quarter Master and Commissary General’s Department, has gone through an examination of all his Accounts whilst acting as Commissary General of Purchases for the late Army; but that no compleat Settlement has taken place of the same; from an inattention on the part of several of his deputies, and Assistants to render their Accounts; that he has adopted every measure in his power, (but without success) to bring those persons to Account; and that, notwithstanding, a considerable part of his Commissions are, to his great injury detained; he therefore prays relief in the premises.

“The Memorialist further prays; that he may be allowed a Specie salary from the time of his appointment, as Commissary General, until the period when his pay was regulated, in consequence of a Report² of the Board of War; and that on Account of his Exertions during the War an Additional compensation may be made to him by a grant of Lands, in the Western Territory, of the United States; it is likewise suggested by the Memorialist, whether it would not be adviseable that more effectual measures should be adopted on the part of the United States, than what at present exists, for bringing to Account such of his Deputies and Assistants, as have neglected to render their Accounts.”

On the above Memorial, the Board beg leave to observe: That, although the Memorialist has (as stated in his Memorial) rendered

¹ *Papers of the Continental Congress*, No. 138, I, pp. 123–130, read February 11, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 447. See April 23, 1787.

² This is apparently the report read December 9, 1780 and passed January 12, 1781, which is in *Papers of the Continental Congress*, No. 147, IV, pp. 721–722. See *Journals* vol. XIX, pp. 49–51.

his Account of Disbursements, as Commissary General of Purchases to the Commissioner of Accounts for the late Commissary's Department; yet that, in several instances, it appears that he did not take Bonds with two sufficient securities from some of his deputies; one of whom, in particular, has died Insolvent, and has not accounted for all the Monies advanced to him. That the Act¹ of Congress of the 16th April 1778 renders the taking such Bonds necessary, previous to the exoneration of the principal Officer; and that it would, consequently be improper to establish a precedent of dispensing with it, in the case of the Memorialist, unless satisfactory reasons are offered by him for an omission of so essential a part of his duty.

That in addition to the above circumstance it appears, that the Memorialist has charged one of his deputies, with the Sum of Fifty thousand Dollars, more than the said Deputy acknowledges to have received, but that he has not produced a receipt for said Money.

The circumstances above stated induced the Commissioner of Accounts to retain (on a Settlement of the Commission Account of the Memorialist) as much, as in his judgment will Indemnify the United States against any eventual loss which may be sustained by the public in consequence thereof; that in the opinion of this Board, this conduct on the part of the Commissioner was proper, and ought not (under present Circumstances) to be receded from.

With respect to the prayer of the Memorialist for annexing a Specie pay for his services previous to the Act² of Congress of the 30th November 1780, or allowing him, in lieu of his stipulated pay in Continental Money, a Commission of one half per Cent on his Disbursements, previous to the period above stated; the Board are of opinion, That, (if the objections abovementioned with respect to the final adjustment of the Accounts of the Memorialist did not exist) it would be improper to adopt a measure which would open a channel, for numerous applications of a similar nature, which no Revenue of the United States would be adequate to comply with. How far a compensation in Lands in the Western Territory, may, with propriety be made to Officers in the late Staff Departments; who, on the final adjustment of their Accounts may appear to have acted with particular Zeal and attention (without an adequate compensation) the Board do not take upon themselves to determine;

¹ *Journals*, vol. X, pp. 356-357.

² *Journals*, vol. XVIII, pp. 1109-1110.

the Accounts of many of these Officers (as well as those of the Memorialist) are not completely adjusted; and this in the opinion of the Board, ought to be a necessary preliminary to any Grant of this nature should the principle of making the same, be hereafter approved of by Congress.

Under the circumstances and for the reasons above stated; the Board are of Opinion that it would be improper to comply with the objects of M^r Blaines Memorial.

On the suggestion made by the Memorialist, for adopting more effectual measures than exist under the present Laws of the States of New Jersey and Pennsylvania for calling to Account such of the Deputies and Assistants of the Memorialist, as have not Accounted for the Monies respectively advanced to them; The Board beg leave to inform Congress: That the time for receiving claims against the late Staff Departments expires in the Month of March next; that a Return will then be made to this Office of such persons as have no Accounts of the Monies respectively advanced to them, in order that such measures may be adopted, for compelling them to Account, as shall be judged most Effectual.

All which is humbly Submitted.

SAMUEL OSGOOD
WALTER LIVINGSTON

February 9th 1788.

[Letter of Secretary at War respecting Harmar's despatches¹]

WAR OFFICE *February 7th 1788.*

SIR: I have the honor to transmit to Congress extracts of a letter this day received from Brigadier General Harmar dated on the 9th of December 1787.

The public dispatches stated to have been forwarded by M^r Bartholomew Tardiveau have not been received. The man has arrived, but the dispatches are missing; having been left or lost as he says at Baltimore or Philadelphia.

The dispatches according to the information of an Officer just arrived contained a minute detail of the military operations of Brigadier General Harmar from the 7th of August to the 24th of

¹ *Papers of the Continental Congress*, No. 150, III, pp. 69-70, read February 11, 1788. General Harmar's letter is on pp. 65-68, with a monthly return of the regiment on p. 63.

November last. The establishment of his several posts. The returns of the troops. The treaties made with the Indians at Post Vincennes, and variety of observations on the natural and political situation of the western territory.

Whether the dispatches will be received is uncertain. M^r Tardiveau says that he has written to persons at all the places at which he probably may have left them.

This unfortunate event is attended with peculiar chagrin as Brigadier General Harmar considered the conveyance so safe, as to render duplicates unnecessary.

I have the honor to submit to the inspection of Congress a number of Indian presents received by Brigadier General Harmar at the treaties of the Wabash Indians at post Vincennes. They were received by a person who set out from the Muskingum with M^r Tardiveau. The necessary explanations belonging to the presents must have been contained in the dispatches which are missing.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Secretary for Foreign Affairs on a letter of recall¹]

[Letter of Secretary for Foreign Affairs transmitting correspondence²]

OFFICE FOR FOREIGN AFFAIRS

6th Feb^r 1788

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, two Letters³ from M^r Dumas of 17th and 26th October, and one from Col^l Smith⁴ of 16th October 1787, together with all the

¹ *Papers of the Continental Congress*, No. 81, III, pp. 35-37, read February 11, 1788. This report was agreed to February 12, 1788, where it is entered *verbatim* in the *Secret Journal Foreign*.

² *Papers of the Continental Congress*, No. 80, III, p. 438, read February 11, 1788.

³ The letter of October 17, No. 28, is in *Papers of the Continental Congress*, No. 93, III, pp. 311-312. A translation of the letter of October 26, No. 29, is in *Papers of the Continental Congress*, No. 115 B. They treat of the situation in Holland. See February 12, 1788.

⁴ *Papers of the Continental Congress*, No. 92, p. 355, with enclosures, part with translations, nos. 1-4 on pp. 359-360, 363-364; 365; 367; and 369-370, 373-374, respectively. The letter transmits papers of Mr. Dumas, including a copy of a deed conveying his estate in the United States. See February 12, 1788.

Papers that are respectively mentioned in them and Translations.

With great Respect, etc.,

JOHN JAY.¹

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, FEBRUARY 12, 1788.

Congress assembled present as yesterday and from New Jersey Mr [Jonathan] Dayton New Hampshire, Massachusetts New Jersey, Pennsylvania, Delaware, Maryland Virginia and South Carolina and from Connecticut Mr [Jeremiah] Wadsworth and from N^o Carolina Mr [James] White.

On the report ² of a com^{ee} consisting of Mr [Dyre] Kearny Mr [John] Kean and Mr [James] Madison

Resolved ³ That the Sec^y for foreign affairs for the time being be and he is hereby authorised and directed upon

¹ FEBRUARY 11, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 179, the following committee was appointed:

Mr. William Irvine, Mr. John Eager Howard and Mr. James R. Reid, on the case of Thomas H. Cushing respecting his rank. Report rendered February 14, 1788. See October 12, 1787 and June 11, 1788.

Also according to the *Committee Book*, the following were referred to the Board of Treasury:

An extract of the letter of September 19, 1787 from Jefferson to Jay, so far as relates to the redemption of captives, with an injunction of secrecy. See February 1 and 5, 1788.

Extract of a letter of September 5, 1787 from Dumas to Jay, so far as relates to his arrearages and the payment of his salary. See February 1 and 5, 1788.

And the following were referred to the Board of Treasury to report:

Petition of Jacobus Demarest, John Demarest and Peter Bogart. Report rendered July 21, 1788. See January 22 and February 1, 1788.

Petition of Thomas Donnellan, January, 1788, respecting lost certificates. *Papers of the Continental Congress*, No. 42, II, p. 368, read February 11, 1788. Report rendered August 21, 1788.

According to indorsement a motion for the commitment of the petition of John Fitch was taken and lost. See February 5, 13, and March 5, 1788.

² According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 28, this report was delivered October 25, 1787. It was apparently made by the committee appointed on the application of J. M. Pintard and acted on that day.

³ There is a copy of the resolution, with a usual form of sea letter, in the writing of Thomson, in *Papers of the Continental Congress*, No. 49, pp. 199-201.

application made to him for that purpose to grant in the usual form Sea letters for any vessel or vessels owned entirely and navigated chiefly by Citizens of the United States and bound on long and distant voyages at his discretion, provided always that it be made appear to him by oath or Affirmation, or by such other evidence as shall by him be deemed satisfactory, by the person or persons applying therefor that the vessel or vessels for which such sea letters shall be required shall together with all and every part of her cargo be owned entirely and commanded by Officers citizens of the United States and shall be navigated for the most part by the same. That for this purpose the Secretary for foreign Affairs be and he is hereby instructed to procure a sufficient number of blank Sea letters draughted in the usual form and signed by the president of Congress for the purposes aforesaid; and that the same when filled up be Sealed with the Seal of the United States and certified by the Sec^y of Congress.

¹ The Secretary for foreign Affairs having reported ² draughts of letters as being in his opinion proper to recal the hon^{ble} J Adams from the courts of London and the Hague the same were agreed to as follows

GREAT AND GOOD FRIEND

As the time we had limited for the duration of M^r Adams' residence in quality of our minister plenipotentiary near your Majesty will shortly expire we have directed him, then to take leave of your Majesty and to assure you of our friendship and sincere desire to promote the most perfect harmony and confidence between the

¹ From this point to the end of the day the *Journal* entries were made by Charles Thomson in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1679-1680.

² See February 11, 1788. According to indorsement the report was referred back to the Secretary for Foreign Affairs to take order.

two nations. Our opinion of M^r Adams persuades us that he will do this in the manner most expressive of these sentiments and of the respect and sincerity with which they are offered. We pray God to keep your Majesty under his holy protection.

Written at the city of New York the day of
by your Majesty's good friends

The UNITED STATES IN CONGRESS ASSEMBLED

GREAT AND BELOVED FRIENDS

M^r Adams our minister plenipotentiary at your court having signified to us his earnest desire to return to his native country we have thought proper to grant his request and directed him to take leave of your High Mightinesses in writing. The zeal, fidelity and abilities which he hath constantly exhibited in our service persuade us that he will agreeably to our directions assure you in the most explicit and proper manner of our Affection for your Respectable Republic and our sincere desire that the friendship which happily subsists between us may be rendered more and more intimate and permanent by mutual good offices and an intercourse agreeable and beneficial to both countries.

We pray God to keep your High Mightinesses under his holy protection.

Written at the city of New York the day of
by your good friends

The UNITED STATES OF AMERICA

IN CONGRESS ASSEMBLED.

[Report of Secretary of Congress on sundry letters¹]

OFFICE OF SEC^y OF CONGRESS *Feb^y 12, 1788*

On the letter² of 10th Sept 1787 from the hon^{ble} J Adams touching the appointment of a minister plenipotentiary to the Court of Lisbon and the letter³ of 12 Sept^r from M^r W Smith so far as relates to the same subject

The Sec^y of Congress reports that the letter of 10 Sept from Ag^d M^r Adams and the letter of 12 Sept 1787 from M^r Smith so far as relates to the appointment of a Minister plenipoten to the Court of Lisbon be referred to the Sec^y for foreign Affairs to report.⁴

On the letters⁵ of 17 and 26 Oct 1787 from M^r Dumas on the insults he has met with and the dangers he is exposed to in his person and property and claiming the protection of the United States and the letter⁵ of 16 Oct^r from M^r Smith respect^s M^r Dumas' situation

The Sec^y of Congress reports that the letters of 17 and 26 Ag^d Oct from M^r Dumas and the letter of 16 Oct 1787 from M^r Smith be referred to the Sec^y for foreign Affairs to report.⁶

On the letter⁷ of 30 Dec^r from Alex^r Hanson one of the judges of the court for deciding the differences respecting territory between the States of South Carolina and Georgia claiming compensation for the time he was employed in that service

The Sec^y reports that this subject came before the late Congress and was referred to a com^{ee} who reported⁸ that the states of South Carolina and Georgia should make the compensation demanded, but as M^r Hanson thinks he has a just claim upon Congress who appointed him and declines to make application to the states, the Sec^y reports

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 69-70.

² See February 1, 1788.

³ See February 5, 1788.

⁴ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, the letter of Mr. Smith was referred in conformity with the report. Report rendered March 13, 1788. See July 28, 1788.

⁵ See February 11, 1788.

⁶ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, the letters were referred to the Secretary for Foreign Affairs in conformity with the report.

⁷ See February 5, 1788.

⁸ July 31, 1787. See *Journals*, vol. XXXIII, p. 440.

That the letter of 30 Dec^r 1787 from M^r Hanson be referred to a com^{ee}¹ and that the report of the Com^{ee} on M^r Hanson's and M^r Goldsborough's former application be referred to the said com^{ee}.

[Letter of Secretary for Foreign Affairs transmitting correspondence²]

OFFICE FOR FOREIGN AFFAIRS

8th February 1788

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, a Letter³ and a Note of this Date which I have just received from the Encargado de Negocios of his Catholic Majesty, and am with great Respect, etc.,

JOHN JAY⁴

His Excellency

THE PRESIDENT OF CONGRESS.

¹ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, the letter and committee report were referred, in conformity with the report, to a committee consisting of Mr. John Armstrong, Mr. James Madison and Mr. Nicholas Gilman, which reported on March 5, 1788.

² *Papers of the Continental Congress*, No. 80, III, p. 442, read February 12, 1788.

³ *Papers of the Continental Congress*, No. 97, p. 204, read February 12, 1788. The note is on pp. 208-210 and the translation on pp. 212-213. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, the note was referred to the Secretary for Foreign Affairs to report.

⁴ FEBRUARY 12, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, it was ordered that the delegates of South Carolina be furnished with extracts of the letter of W. Carmichael to J. Jay, August 19, 1787 and T. Jefferson to Jay, September 19, 1787, so far as related to the claim of that State for the use of its frigate and the steps taken respecting the claim. Referred to the Secretary for Foreign Affairs to take order. See February 1, 1788.

According to indorsement was read a letter of B. Tardiveau to President of Congress, February 9, 1788, regarding the attack made on his character by certain inhabitants of Kaskaskias. *Papers of the Continental Congress*, No. 48, pp. 197-199. There are the following accompanying documents, in French with English translations; No. 1. De la Valiniere to La Buxiere, April 11, 1787, copy, pp. 61-63, trans. pp. 65-67; No. 2. Inhabitants of Cahos (Cahokia) to de la Valiniere, April 22, 1787, copy pp. 77-79, trans. pp. 81-82; No. 3. De la Valiniere to people of Cahos, copy p. 69, trans. p. 71; No. 4. De St. Pierre to Tardiveau, original pp. 73-74, trans. pp. 75-76; No. 5. De St. Pierre to Tardiveau, original pp. 53-54, trans. pp. 85-86; and No. 6. Certificate of facts about M. de la Valiniere, September 21, 1787, signed by Vital Beauvais and five others, original pp. 201-203, trans. pp. 205-208. See February 13 and March 6 and 27, 1788.

WEDNESDAY, FEBRUARY 13, 1788.

Congress assembled present as yesterday.

On motion of M^r [Abraham] Clark seconded by M^r [George] Thatcher

Resolved That tuesday next be assigned for the election of a Judge for the Western territory in the room of M^r [John] Armstrong¹ who declines.

[Report of Secretary of Congress on letter of B. Tardiveau²]

OFFICE OF SEC^y OF CONGRESS 13 Feb^y 1788

On the letter³ of 9 Feb^y of B Tardiveau justifying himself against charges which he understands are brought against him by some of the people at Kaskaskia

The Sec^y of Congress reports

That the letter of 9 feb^y from B Tardiveau with the papers enclosed be referred to the com^{ee} on the letter from P. Langlois⁴

[Report of Secretary for Foreign Affairs on Audience to French Minister⁵]

OFFICE FOR FOREIGN AFFAIRS

12th February 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Letter of 4th Instant from the Count de Moustier enclosing a Copy of his Letter of Credence, requesting that a Day be fixed for his *public* Audience, and intimating an Expectation that the Ceremonial will be the same as in the Cases of his Predecessors,

Reports,

¹ Armstrong's resignation was read January 22, 1788.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 70.

³ See February 12, 1788.

⁴ This committee, appointed February 5, 1788, consisted of Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White. It reported March 6, 1788. See also February 25 and March 27, 1788.

⁵ *Papers of the Continental Congress*, No. 81, III, pp. 39-40, read February 13, 1788. See February 5, 14, 26 and 28, 1788.

That in his Opinion it would be proper to name as early a Day as may consist with the Convenience of Congress, for receiving the Count.

That he has perused and considered the Ceremonials heretofore used on such Occasions, and that they appear to him to put much less Distinction between an Ambassador and a Minister, than the Laws and the actual Practice of civilized Nations have established.

That considering the past and present State of american Affairs, he thinks it might not be so adviseable to correct Mistakes relative to Matters of Ceremony and Etiquette at this Period, as when the proposed Plan of Government shall begin to operate. He therefore is of Opinion that it would be best to receive this Minister, in the same Manner as his Predecessor and the dutch Minister were received.

All which is submitted to the Wisdom of Congress.

JOHN JAY¹

THURSDAY, FEBRUARY 14, 1788.

Congress assembled present as before.

The Secretary for foreign Affairs having transmitted to Congress a letter² from the Count de Moustier together with a copy of a letter of credence by which it appears that his Most Christian Majesty has appointed the count to succeed the chevalier de la Luzerne in quality of his Minister plenipotentiary to the United States of America and the said minister having requested that this may be communicated to Congress, that they may fix a day which shall appear to them the most convenient to give him a public Audience

Resolved That the said count de Moustier be received as Minister plenipotentiary from his most Christian Majesty and that agreeably to his request he be admitted to a public Audience on tuesday the 26 of the present Month in the room where Congress assembles.

¹ FEBRUARY 13, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, the following committee was appointed:

Mr. Abraham Clark, Mr. Thomas Tudor Tucker and Mr. John Armstrong on petition of John Fitch on assistance for construction of steamboats. Report rendered March 5, 1788. See February 5 and 11, 1788.

² See February 5, 1788. See also February 13 and 26, 1788.

Ordered That the Secretary for foreign Affairs inform the hon^{ble} the minister of the United Netherlands and his Catholic Majesty's Encargado de negocios of the public audience to be given to the hon^{ble} the Minister plenipotentiary of his most Christian Majesty.¹

[Report of committee on memorial of T. H. Cushing²]

The Committee [consisting of Mr. William Irvine, Mr. John Eager Howard and Mr. James R. Reid] to whom was referred a Report of the Secretary at War, on the petition of Thomas H Cushing, report, that, though it appears to your Committee that Thomas H Cushing would have been entitled to a Company on the 12th day of October 1782 if regular promotions had taken place in the first Massachusetts Regiment, and afterwards in the line of said State, but as the injury complained of and the remedy existed at the same time and M^r Cushing was unfortunate enough not to avail himself of the redress, the petition of M^r Cushing for rank and emoluments cannot be granted.

[Report of Board of Treasury on memorial of T. R. Kennedy³]

BOARD OF TREASURY

February 13th 1788.

The Board of Treasury to whom was referred a Memorial of Thomas R. Kennedy,

Beg leave to Report

That on an examination of an Account exhibited by the Memorialist there appears to be due to him as Executor of the late D^r Thomas Kennedy for the use of a Farm at the Yellow Springs, on which a

¹ A draft of the proceedings on the reception of Count de Moustier, in the writing of Benjamin Bankson, with emendations by Charles Thomson, is in *Papers of the Continental Congress*, No. 96, p. 414.

² *Papers of the Continental Congress*, No. 19, I, p 619, in the writing of Mr. William Irvine. Read February 14, 1788. See October 12, 1787, February 11, 15, 18, March 20, and June 11, 1788.

³ *Papers of the Continental Congress*, No. 138, II, pp. 1-3, read February 14, 1788. The covering letter, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 451. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 181, this report was referred back to the Board of Treasury to take order. The report is entered in *extenso* in the *Committee Book*. See July 27, 1787. *Journals*, vol. XXXIII, p. 430n.

general Hospital was Built during the late War; the Sum of Six hundred and thirty five Dollars, Eighteen Ninetieths of a Dollar.

That the Memorialist on the payment of this Sum is willing to enter into engagements to purchase at an equitable appraised Value, the Buildings erected on the Lands of his deceased Father; and that on a conference with the Secretary at War, as to the disposal of these Buildings, he has acceded to the propriety of this measure; and suggested a mode for ascertaining their Value.

Under these circumstances the Board submit to the Consideration of Congress the following Resolve

That the Register of the Treasury issue his Certificate in favor of the Estate of the late D^r Samuel Kennedy for the Sum of Six hundred and thirty five dollars and Eighteen Ninetieths; bearing Interest from the 10th day of June 1782, when the same became due; provided, That the Executor of the said Estate shall enter into engagements for the purchase of the public Buildings Erected on the same, at such Value, payable in the Securities of the United States, as shall be hereafter determined by a mode of appraisement to be agreed on betwixt the Board of Treasury, and the Executor of the late D^r Samuel Kennedy.

All which is humbly Submitted.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Letter of Secretary at War on military stores¹]

WAR OFFICE, *February 13th 1788.*

SIR: I have the honor to transmit to Congress, a general return of the ordnance and military stores, and the stores in the quarter master's department, the property of the United States.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, III, p. 73, read February 14, 1788.

[Letter of Secretary for Foreign Affairs transmitting correspondence.¹]

OFFICE FOR FOREIGN AFFAIRS

12th February 1788

SIR: I have the Honor to transmit to your Excellency herewith enclosed, two Letters² from M^r Adams of 25th October and 15th November last, together with the Papers mentioned to be enclosed with the former of them; and am with great Respect, etc.,

JOHN JAY.³

His Excellency THE PRESID^T OF CONGRESS.

FRIDAY, FEBRUARY 15, 1788.

Congress assembled present New hampshire, Massachu-
setts, New Jersey Pensylvania, Delaware, Maryland, Vir-
ginia and South Carolina, and from New Jersey M^r [Abra-
ham] Clark and from N[orth] Carolina M^r [James] White.⁴

¹ *Papers of the Continental Congress*, No. 80, III, p. 446, read February 14, 1788.

² *Papers of the Continental Congress*, No. 84, VI, pp. 539 and 563-566, respectively, with enclosures of the first on pp. 543-544, 547-548, 551, 553-554, 555-556 and 559; and of the second on pp. 567 and 571. The letter of October 25 refers to the situation of Mr. Dumas and the demand of Holland for his recall. That of November 15 discusses the motives and objects of English and French politics and their effects on American politics. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, these letters were referred to the Secretary for Foreign Affairs to report.

³ FEBRUARY 14, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 180, a petition of William Foster, for relief in a suit commenced against him as trustee of De la Lande and Finje, was referred to the Board of Treasury to report.

⁴ FEBRUARY 15, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 182, the following committee was appointed:

Mr. William Irvine, Mr. John Eager Howard and Mr. James R. Reid on their report on memorial of T. H. Cushing and a new memorial of Cushing, read February 15, 1788. *Papers of the Continental Congress*, No. 42, II, pp. 238-239. This was a recommitment of the committee report. Report rendered February 18, 1788. See February 14, 18, March 20 and June 11, 1788.

MONDAY, FEBRUARY 18, 1788.

Congress assembled present as before.

[Report of committee on memorial of T. H. Cushing¹]

The Committee [consisting of Mr. William Irvine, Mr. John Eager Howard and Mr. James R. Reid] to whom was referred the report of the Secretary at war on a petition of Thomas H. Cushing, praying for rank and amoluments beg leave to report, that they have again very fully enquired into the circumstances upon which M^r Cushing grounds his claims, and have with attention heard his Allegations in support thereof.

It appears that there were two Lieutenants viz Messieurs Hollis and Williams elder in the first Massachusetts Reg^t than M^r Cushing.

It appears also by the two letters of Colonel Vose commanding Officer of said Regiment and an intervening regulation² of Congress of the 21st of October 1780 that those two Lieutenants chose rather to continue and do duty as Lieutenants than be promoted and deranged.

And it further appears that M^r Cushing continued to do duty under said Lieutenants untill May 1781 when he was taken prisoner and being exchanged in May 1783 joined the Army and did duty as Lieutenant untill July 1784 and as M^r Cushing did not avail himself of the redress which he knew existed only in the army, there is a strong presumption either of an acquiescence, or neglect of application on the part of M^r Cushing, or we must suppose that the Commander in chief and boards of General Officers were not disposed to listen to the just complaints of the Army, from all these circumstances Your

¹ *Papers of the Continental Congress*, No. 19, I, pp. 617-618, in the writing of Mr. James R. Reid. Read February 18, 1788. According to indorsement, on March 20, 1788, this report was postponed and the report of the Secretary at War was taken up. See October 12, 1787, February 14 and 15, and June 11, 1788.

² *Journals*, vol. XVIII, pp. 959-960.

Committee are still of opinion that the petition of Thomas H Cushing praying for rank and amoluments cannot be granted.¹

TUESDAY, FEBRUARY 19, 1788.

Congress assembled present New hampshire Massachusetts New Jersey Pennsylvania Delaware Maryland Virginia and South Carolina and from Connecticut M^r Jeremiah Wadsworth and from North Carolina M^r [James] White.

According to the Order of the day Congress proceeded to the election of a judge for the western territory in the room of M^r [John] Armstrong who declines and the ballots being taken

M^r John Cleves Symmes was elected, having been previously nominated by M^r [Abraham] Clarke.²

[Motion of delegates from Maryland ³]

The Delegates from Maryland agreeably to their instructions apply to Congress for information, By what authority the sum of 54,642 47/90 continental state Dollars was lately issued from the continental loan Office in the state of Maryland, whether by any recent order or resolution of Congress, or merely by the authority of the Commissioners of the board of Treasury of the United States, in virtue of some agreement or contract by them entered into, on behalf of the United States, with private persons. Whether any part of the 4/10^{ths} of the continental state money, reserved to the use of the United States,

¹ FEBRUARY 18, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 182, the petition of Archibald Steele, read February 18, 1788, respecting the settlement of his accounts as deputy quarter-master general, was referred to the Board of Treasury to report. Report rendered February 25 and acted on February 28, 1788.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 26, was received (read):

Letter of Governor of Massachusetts and President of Convention to [Charles Thomson], February 8, 1788, transmitting the ratification of the Constitution.

² This proceeding was entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, p. 25.

³ *Papers of the Continental Congress*, No. 70, p. 555, in the writing of Mr. Benjamin Contee(?). According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 182, this motion was referred to the Board of Treasury to report. Report rendered February 29, 1788.

has been lately drawn out of the continental loan Offices, of any of the other states; and which of them, and when, and to what amount respectively.¹

WEDNESDAY, FEBRUARY 20, 1788.

Congress assembled present as yesterday.

[Report of committee on arrangements for public audience ²]

The Committee consisting of [Mr. Dyre Kearny, Mr. Jeremiah Wadsworth and Mr. James White] to whom it was referred to consider of, and report such Arrangements as it may be expedient to adopt, relative to the Public reception of the Minister Plenipotentiary of his most Christian Majesty on Tuesday the 26th Inst. beg leave to suggest.

That it is the Opinion of the Committee inferred as well from precedent in Similar instances, as the Nature of the Occasion, that the Audience should be conducted in as public a Manner as the Convenience of Congress will warrant, or accommodation admit. That regulations tending to this purpose will not only have the Effect of gratifying the Wishes of many respectable Persons who may be desirous of being present, (who neither are nor can with propriety be officially noticed) but will be at least Complimentary and probably more Satisfactory to the Compte De Moustier.

That Your Committee are well aware that want of Accommodation as to room will necessarily prevent the Adoption of this Principle on so large a Scale as might otherwise be wished; They are nevertheless of Opinion from some Examination that the Congress Chamber will Still be capable of containing Sixty Persons without much inconvenience exclusive of the Members of Congress, and the foreign Ministers resident with their respective Suites.

¹ FEBRUARY 19, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 182, the following committee was appointed:

Mr. Dyre Kearny, Mr. Jeremiah Wadsworth and Mr. James White, "to consider and report such arrangements as it may be expedient to adopt relative to the admission of persons at the public audience of the Minister of France on Tuesday next." Report rendered February 20, 1788.

² *Papers of the Continental Congress*, No. 23, pp. 319-321, in the writing of Mr. Dyre Kearny. Read February 20, 1788. On February 21 this report was postponed and a motion substituted. See February 19, 1788.

They beg leave further to observe, That as the Admission of no Persons is authorised by the *immediate* Act of Congress other than of the Honble M^r Van Berkel and Don Diego de Gardoqui with their Suites, no other proper Mode for admission in General occurs to them than what has been practiced on Similar previous Occasions, viz. the Distribution of Tickets for the Purpose by the individual Members of the House; who it is presumed will doubtless make disposition of them to such Characters as from their rank and station may have more than ordinary pretensions to admission.

In accordance therefor with these Ideas, Your Committee submit the following Resolutions,

Resolved,

1st That each Member of Congress be provided with two tickets to distribute, [at his discretion] ~~one of which it is understood he will present to some Character more than ordinarily distinguished, the other at his Discretion.~~

That His Excellency the President of Congress be provided with Six Tickets to distribute at his Pleasure in addition to the two he will share as a Member.

2^d That in order to distinguish them from Persons less respectable in point of Rank, Seats be provided for the Honble M^r Van Berkel and Don Diego de Gardoqui.

3^d That no Person whatever be admitted before half past Eleven o Clock of the Morning of the Audience.

4th ~~That the Secretary of Congress take order for the providing without delay a sufficient number of Tickets printed with the Words "Admit the Bearer" to be signed by him and distributed to the President and Members respectively as above directed.~~

5th That the Heads of the Several Departments of the United States be admitted thro' the Office of the Sec^y of Congress into the Congress Chamber and take their position at the left hand of the President; and that the Secretary notify them accordingly.¹

¹ FEBRUARY 20, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 182, the following committee was appointed:

Mr. Jonathan Dayton, Mr. James Madison and Mr. Jeremiah Wadsworth on a motion of Mr. Dayton for preventing irregularities in the transportation of the mail. This committee was renewed March 27, 1788.

They beg leave further to observe, That as the Admission of no Persons is authorised by the *immediate* Act of Congress other than of the Honble M^r Van Berkel and Don Diego de Gardoqui with their Suites, no other proper Mode for admission in General occurs to them than what has been practiced on Similar previous Occasions, viz. the Distribution of Tickets for the Purpose by the individual Members of the House; who it is presumed will doubtless make disposition of them to such Characters as from their rank and station may have more than ordinary pretensions to admission.

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5th That the Heads of the Several Departments of the United States be admitted thro' the Office of the Sec^y of Congress into the Congress Chamber and take their position at the left hand of the President; and that the Secretary notify them accordingly.¹

¹ FEBRUARY 20, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 182, the following committee was appointed:

Mr. Jonathan Dayton, Mr. James Madison and Mr. Jeremiah Wadsworth on a motion of Mr. Dayton for preventing irregularities in the transportation of the mail. This committee was renewed March 27, 1788.

THURSDAY, FEBRUARY 21, 1788.

Congress assembled present as before.

Mr N[athan] Dane a delegate of Massachussets attended and produced the credentials of his appointment which were read.

[Credentials of Nathan Dane, Massachusetts ¹]

Commonwealth of Massachusetts

To our trusty and well beloved The Hon^{ble} Nathan Dane Esq^r of Beverly in our County of Essex Greeting
(Seal)

Whereas the General Court of our Commonwealth aforesaid did on the Twenty seventh day of June A^o Dⁱ 1787 agreeable to the Constitution of our said Commonwealth appoint the Honble Nathan Dane Esq^r a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first Monday in November 1787

John Hancock

Now therefore know ye, that We do by these presents and in pursuance of the said appointment commission you the said Nathan Dane Esq^r to represent our said Commonwealth in Congress, and vest you with all and singular the powers and authorities to the said Office or place of Delegate belonging by virtue of the Constitution of said Commonwealth and the appointment aforesaid, and to hold said Office until the first Monday of November 1788. And you the said Nathan Dane Esq^r are hereby required to observe the instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

In Testimony whereof We have caused our public Seal to be hereunto affixed.

Witness His Excellency John Hancock Esq^r our Governor and Commander in Chief at Boston this eighteenth day of January A^o Dⁱ 1788, in the Twelfth year of the Independence of the United States of America.

By His Excellency's Command.

JOHN AVERY jun^r *Secretary*

¹ Original credentials, read February 21, 1788, in *Papers of the Continental Congress*, Massachusetts Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, pp. 246-247.

On motion of Mr [Daniel] Huger seconded by Mr [Thomas Tudor] Tucker

Resolved That Monday next be assigned for electing a Superintendant of Indian Affairs for the Southern departm^t in the room of Mr [James] White who has resigned.

[Motion respecting the public audience ¹]

~~That the President of Congress may give 6 Cards of Admission to Any Gentlemen he may think proper, and each of the other members two to any Gentlemen they may think proper.~~

Resolved That for the Admission of Persons at the public Audience on Tuesday next the President of Congress may distribute 8 ~~Cards~~ Tickets of admission and each of the other members two, to Any Gentlemen they may judge proper.

That Seats be provided for the hon^{ble} the Minister plenipotentiary of the U N and for the Encargado de Negocios of his Cath. Maj^y

That no person whatever be admitted before half past eleven o clock the morning of the Audience.

That the heads of the several departments of the United States be admitted through the Office of the Sec^y of Congress into the Congress chamber and take their position at the left hand of the President and that the Sec^y of Congress notify them accordingly.

Thursday Feby 21 referred to the Sec^y of Congress to take order.²

¹ *Papers of the Continental Congress*, No. 23, p. 323, in the writing of Mr. Abraham Clark and Charles Thomson. The resolution was entered by Roger Alden in the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 182. It was referred to the Secretary of Congress to take order. See February 20, 1788.

² FEBRUARY 21, 1788. According to indorsement was read a letter from Thomas Pinckney, governor of South Carolina, to the delegates of South Carolina, February 7, 1788, regarding Indian affairs. *Papers of the Continental Congress*, No. 72, p. 616. The enclosure, a resolve of the legislature appropriating 2000 dollars for carrying into effect the Act of October 26, 1787, is on p. 620.

¹FRIDAY, FEBRUARY 22, 1788.

Congress Assembled, present as before.

[Letter of Secretary at War respecting Western territory ²]

WAR OFFICE, February 21st 1788.

SIR: I have the honor and satisfaction to transmit to Congress, copies of the dispatches of Brigadier General Harmar which have been missing. They were contained in a portmanteau belonging to M^r Tardiveau, which he has received yesterday, and which had been unfortunately detained by the unfaithfulness of a waggoner.

I have the honor to be, etc.,

H KNOX ³

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, FEBRUARY 25, 1788.

Congress Assembled, present, New Hampshire Massachusetts, New York, Pennsylvania, Delaware, Maryland Virginia and South Carolina, and from Connecticut M^r Jer^b Wads-

¹ Roger Alden takes up the entry.

² *Papers of the Continental Congress*, No. 150, III, p. 77, read February 22, 1788. The enclosures were copies of the following: Letter of J. Harmar to H. Knox, November 24, 1787, giving an account of his trip to Post Vincennes, pp. 89-100; Harmar's speech to the Indians, September 7, 1787, pp. 81-83; and letter from the Magistrates of Kaskaskia to J. Harmar, August 25, 1787, p. 85. The fourth enclosure, a copy of an address of the Inhabitants of Vincennes to Congress, July 26, 1787, is in *Papers of the Continental Congress*, No. 48, pp. 107-111. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 183, this address was referred to a committee consisting of Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White, which reported March 6, 1788. See March 27, 1788. See also February 25, 1788.

³ FEBRUARY 22, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 183, the following committee was appointed:

Mr. Abraham Clark, Mr. Nathan Dane, Mr. James Madison, Mr. William Irvine and Mr. Jeremiah Wadsworth, to revise the land ordinance. Report rendered March 19, 1788. See June 19 and July 9, 1788.

Also according to indorsement and the *Committee Book*, the petition of John Woods, dated February 21, read February 22, 1788, for the settlement of his accounts for services with the Commissioners to the Southern Indians, was referred to the Board of Treasury to report. Report rendered February 29, 1788. See May 13 and 15, 1788.

worth, from New Jersey M^r [Abraham] Clark and from North Carolina M^r [James] White.

M^r Alexander Hamilton and M^r Leonard Gansevoort Delegates for New York, attended and produced Credentials of their appointment which were read.

[Credentials of New York delegates¹]

The People of the State of New York by the Grace of God Free and Independent To all to whom these presents shall come send Greeting

Whereas our Senate and Assembly have on the twenty second day of January last Nominated and Appointed the Honorable Ezra L'Hommedieu Egbert Benson Alexander Hamilton Abraham Yates Junior and Leonard Gansevoort Esquires Delegates to represent our said State in the United States in Congress Assembled from the said day of their Appointment until the first Monday in November next and thence forward until Ten Days after the first subsequent Meeting of the Legislature. Provided nevertheless that the Delegates so Nominated and Appointed shall not on any Account hold their Seats in Congress longer than one Year to be Computed from the day of their Appointment as aforesaid Now therefore Know Ye that in pursuance of the said Nomination and Appointment We have by these presents Commissioned the said Ezra L'Hommedieu Egbert Benson Alexander Hamilton Abraham Yates Junior and Leonard Gansevoort with full power and Authority to them the said Ezra L'Hommedieu Egbert Benson Alexander Hamilton Abraham Yates Junior and Leonard Gansevoort to represent our said State in the said Congress. Accordingly: In Testimony whereof we have Caused these our Letters to be made Patent and the Great Seal of our said State to be hereunto affixed. Witness our trusty and well beloved George Clinton Esquire Governor of our said State General and Commander in Chief of all the Militia and Admiral of the Navy of the same. At Poughkeepsie in our County of Dutchess the Second day of February in the Year of

¹ Original credentials, on parchment, read February 25, 1788, in *Papers of the Continental Congress*, New York Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 248-249.

our Lord one thousand seven hundred and Eighty eight and in the Twelfth Year of our Independence.

GEO: CLINTON

[SEAL PENDANT]

[al dorso]

Passed the Secretarys Office the 2^d February 1788.

LEWIS A SCOTT *Secretary*

On Motion¹ of Mr [Nathan] Dane

Resolved, That the Superintendant of Indian Affairs for the southern Department be elected for six Months and continue in Office during that period, unless sooner recalled by Congress.

Pursuant to a resolution of the 21st Instant Congress proceeded to the election of a Superintendant of Indian Affairs for the southern department, but not coming to a choice, the election was postponed until thursday next.

[Motion of Mr. Irvine on limits of New York and Massachusetts²]

Whereas it appears, by the boundary line which hath been lately run, between the States of New York and Pennsylvania, that the North west corner of the latter extends some distance into Lake Erie by which a narrow strip of land bounded on the North by the lake and on the South by said State, will be cut off from the territory of the United States.

And whereas by the several Acts of Cession of territory, by the States of New York and Massachusetts to the United States, A certain line therein described is to be drawn, by which the said States are to be bounded on the West, And it is just and proper that said line and boundary should be ascertained and fixed, As well in order to secure peace and harmony in the United States, as ~~to~~ amongst those more

¹ *Papers of the Continental Congress*, No. 30, p. 331, in the writing of Mr. Nathan Dane.

² *Papers of the Continental Congress*, No. 30, p. 605, in the writing of Mr. William Irvine. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 183, this motion was referred to a committee consisting of Mr. Abraham Clark, Mr. William Irvine, Mr. John Armstrong, Mr. Jeremiah Wadsworth and Mr. John Brown. Report rendered March 6 and acted on June 6, 1788.

immediately concerned and Citizens thereof who may hereafter become inhabitants, and that the rightful owners of the Soil and Jurisdiction, may be enabled to dispose of the same or otherwise appropriate it as they ~~may~~ shall think best,

Resolved, that the Geographer, be and he is hereby directed as soon as may be, to proceed (in conjunction with Agents, or Commissioners, in behalf of New York and Massachusetts in case they shall think proper to appoint such) to run a line, and ascertain the Western limits of the said States of New York and Massachusetts, conformably to their Acts of Cession to the United States.

[Motion of Mr. Thatcher on securing a newspaper ¹]

That the Secretary of Congress be directed to procure for the use of the Members of Congress M^r Greenliefs daily ~~patriot~~ *Advertiser* paper.

[Report of Board of Treasury on memorial of A. Steele ²]

The Board of Treasury to whom was referred the Memorial of M^r Archibald Steele

Beg leave to Report

That by a statement exhibited to this Board, by the Commissioner of Accounts for the Quarter Master Generals Department, there appears to be due to him the sum of One hundred and ten thousand six hundred and seventy four Continental Dollars, including his Commissions on the disbursements made by him; under the late Major General Greene.

That exclusive of this sum the Memorialist has a claim on the United States for Four thousand three hundred and twenty nine and two thirds specie Dollars on account of Pay, and Articles supplied under General Mifflin, but that the Commissioner has hitherto declined issuing his Certificates for the above sums, from the confused state in

¹ *Papers of the Continental Congress*, No. 23, p. 325, in the writing of Mr. George Thatcher. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 183, this motion was referred to the Secretary of Congress to take order.

² *Papers of the Continental Congress*, No. 138, II, pp. 397-399, read February 25, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 455. This report was also entered *verbatim* in the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 184-185. See February 18 and 28, 1788.

which the said accounts have been kept and rendered, which makes a further enquiry necessary, previous to the liquidation of the final balance.

The Board however find from a Report of the Commissioner for settling the accounts of the Quarter Master Generals Department, that he may with safety to the public interest issue a Certificate for the balance appearing to be due to the Memorialist on account of his transactions under General Mifflin, and as the situation of the Memorialist and his family, is represented by the Commissioner to be very distressing, they submit to the Consideration of Congress, whether it would not be adviseable to permit the Commissioner to issue a Certificate for the above sum, suspending the final adjustment of the other accounts of the Memorialist for further investigation.

It is with regret that the Board observe, that the Memorialist has been entrusted with the expenditure of no less a sum of the public monies, during the late war, than 4.220,000 dollars; although it appears that from want of capacity, (rather than design) he never kept any accounts, or receipt book; and that he has since his arrival in New York been obliged to have his own account, as well as that of his Assistants, framed from the loose receipts and papers in his possession.

All which is humbly submitted

February 25th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Report of Secretary at War on talk of Cherokee Indians ¹]

The Secretary of the United States for the department of war, to whom was referred the Talk of the Cherokee Indians of the 8th of September 1787,

Reports,

That M^r Alexander Dromgoole is a person trading to Chota, one of the Cherokee villages on the Tenasee river.

That he conducted a Cherokee warrior the last summer, in order to complain to Congress of a breach of the treaty made by the commissioners of the United States with the Cherokee nation, at Hopewell, on the Keowee river, in November 1785.

¹ *Papers of the Continental Congress*, No. 151, pp. 323-325, read February 25, 1788. See January 22 and February 5, 1788.

That Congress not being in session at that time, the said persons were hospitably treated in Philadelphia, at the expence of the United States; and were entrusted by your Secretary at War, with presents, and a speech, for Chiefs of the Cherokee nation.

That the said Alexander Dromgoole was then exceedingly desirous of employment in the indian department, in order to facilitate his designs in trade. That it is highly probable, that some of the Cherokee Chiefs may have been induced to forward his views, with the hope of being extricated from the difficulties in which they are involved.

That supposing however the paper to contain the genuine desires of the Cherokees, the purport of it cannot be granted, consistently with the ordinance regulating indian affairs, as it is therein directed, that "the Superintendants, and the deputies, shall not be engaged either directly or indirectly in trade with the indians," besides which, the Superintendants are to appoint their own deputies.

But in order to prevent any misrepresentations on this subject, and to convince the Cherokees that their case and representations are not forgotten, it may be proper to communicate to them, the measures directed by Congress on the 26th of October last,¹ and to state the reasons why their request, respecting M^r Dromgoole, cannot be granted.

Agreeably to these ideas the following resolve is submitted.

Resolved, That the Secretary at War transmit an answer to the talk of the chiefs of the Cherokee nation, dated the 8th of September 1787.

That he assure them, that Congress are highly solicitous to remove all obstacles to an equitable and permanent peace between the Cherokee nation, and the United States. That he inform them of the measures taken by Congress to effect so desireable an object, and that he also communicate the reasons which prevent the appointment of M^r Alexander Dromgoole in the Indian department, agreeably to their request.

H KNOX²

WAR OFFICE,

February 25th 1788.

¹ See *Journals*, vol. XXXIII, pp. 709-713.

² FEBRUARY 25, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 183, the following committee was appointed:

Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White on note of Mr. Tardiveau and accompanying papers respecting Post St. Vincennes and

¹ TUESDAY, FEBRUARY 26, 1788.

Congress assembled. Present New Hampshire Massachusetts New York New Jersey Pennsylvania Delaware Maryland Virginia and South Carolina and from Connecticut the Illinois Country. The note, dated March 2, 1788, is indorsed as read February 25, and is in *Papers of the Continental Congress*, No. 48, p. 103. The accompanying documents are: No. 1, Petition of the French inhabitants of Post Vincennes, August 7, 1787, pp. 115-117; No. 2, Petition of the French inhabitants of Illinois (Kaskaskia, Cahokia, Prairie du Rocher and St. Phillip), September 15, 1787, pp. 119-120; No. 3, Petition of the French inhabitants of Post Vincennes and Illinois, February 28, 1788, pp. 209-219; No. 4, Explanatory memorandum to preceding petition, February 28, 1788, pp. 123-125; No. 5, Memorandum of articles given by the French of Post Vincennes to the Indians, November 7, 1786 (in French signed by J. M. P. Legrace), pp. 127-128; No. 6, Petition of the American inhabitants of Post Vincennes, August 7, 1787, pp. 131-132; No. 7, Petition of the American inhabitants of Illinois, August 27, 1787, pp. 135-137; No. 8, Powers given to Tardiveau by the French and American inhabitants of Post Vincennes and Illinois, seven original documents in English and French with signatures of the inhabitants, pp. 139-140, 141, 143-145, 147-148, 149-150, 153-154, and 185-188, respectively; No. 9, Census lists of male inhabitants of Post Vincennes and Illinois, nine documents, pp. 157-158, 159-160, 163, 165, 167-173, 176-177, 179, 181-183 and 189-192, respectively. The petitions Nos. 1-4, 6 and 7, were signed by Tardiveau as agent for the inhabitants under the powers given in No. 8. This committee was the same as that of February 5 on letter of P. Langlois, of February 13 on letter of Tardiveau of February 9, 1788 and of February 22, on the address of the inhabitants of Post Vincennes. Report rendered March 6, 1788. See February 22, March 18, 27 and May 19, 1788.

Also according to the *Committee Book*, there were referred to the Board of Treasury to report:

Petition of John Stevens, delivered February 25, 1788, for pay and commutation. Report rendered March 20, 1788.

Memorial of Isaac Sherman, Israel Ludlow and William W. Morris, read February 25, 1788, for compensation for services. *Papers of the Continental Congress*, No. 41, IX, p. 465. Report rendered July 17, 1788. See September 25, 1788.

According to indorsement were read:

Letter of Edward Burd to Cyrus Griffin, February 18, 1788, transmitting transcripts of the trials of John White and James Thompson in the Court of Admiralty in Pennsylvania. *Papers of the Continental Congress*, No. 78, IV, p. 553, with the transcripts on pp. 557-560 and 563-566, respectively.

Petition of the officers of Colonel Benjamin Flower's regiment of artillery and artificers, regarding compensation for services. *Papers of the Continental Congress*, No. 42, III, pp. 165-167. This petition was withdrawn February 18, 1789. See February 28 and July 31, 1788.

¹ Charles Thomson resumes the entry.

ticut Mr [Jeremiah] Wadsworth and from North Carolina Mr [James] White.

According to Order the Minister Plenipotentiary ~~from his most Christian Majesty~~ of France was introduced to a public Audience when he delivered a letter of Credence¹ from his most Christian Majesty of which the following is a translation

VERY DEAR GREAT FRIENDS AND ALLIES

Particular reasons relative to the good of our service have determined us to appoint a successor to the Chevalier de la Luzerne Our Minister plenipotentiary with you. We have chosen the count de Moustier to take his place in the same qu²ality. The marks of zeal which he has hitherto given us, persuade us that on this new occasion he will conduct himself in such a manner as to render himself agreeable to You, and more and more worthy of our good will. We pray You to give full faith to whatever he may say to You on our part, particularly when he shall assure You of the sincerity of our wishes for Your prosperity, as well as of the constant affection and friendship which we bear to the United States in general, and to each of them in particular. We pray God that he will have You very dear great friends and Allies in his holy keeping. Written at Versailles the 30th September 1787.

Your good friend and Ally

(signed) LOUIS
C^t DE MONTMORIN.

After which he addressed Congress in a speech of which the following is a translation.

¹ The original letter of credence, as well as the letter of recall of Luzerne, in French, signed by the King, are in *Papers of the Continental Congress, Letters from the King of France*. See February 5, 13, 14, 27 and June 2, 1788.

² Roger Alden takes up the entry.

GENTLEMEN OF THE CONGRESS,

The relations of friendship and Affection which subsist between the King my Master and the United States, have been established on a basis which cannot but daily acquire a new degree of solidity. It is satisfactory to be mutually convinced that an Alliance formed for obtaining a glorious peace, after efforts directed by the greatest wisdom, and sustained with admirable constancy, must always be conformable to the common Interests, and that it is a fruitful source of infinite advantages to both Nations, whose mutual confidence and intercourse will encrease in proportion as they become better known to each other.

The King who was the first to connect himself with the United States as a Sovereign Power, to second their efforts and favour their Interests, has never ceased since that memorable period, to turn his attention to the means of proving to them his Affection. This sentiment directs the vows which his Majesty forms for their prosperity. Their success will always interest him sensibly, and there is reason to hope for it from the wisdom of the measures which they will adopt.

To this solemn Assurance of Interest and Attachment on the part of the King, to the Unanimous sentiment of the Nation, and to the fervent wishes of a great number of my countrymen, who have had the Advantage to be associated in the military toils, and success of the United States, permit me to add those which I in particular entertain for the growth and glory of these States. I at length enjoy the satisfaction of having it in my power here to testify the profound veneration with which I have been constantly penetrated for a people who have been able to fix from their birth, the attention of the most considerable powers in Europe, and whose courage and patriotism have astonished all Nations. My happiness will be compleat, Gentlemen,

if I could succeed by my Zeal and most constant cares, to merit Your esteem, Your confidence, and Your Approbation.

The task which I have to accomplish appears to me to be the more difficult, as, in succeeding a Minister who held the place near You Gentlemen, with which I am now honored, I am far from enjoying the advantages which he derived from his talents, his knowledge, and those circumstances which placed him in the most intimate relations to You. I will endeavor to resemble him at least, by the greatest attention to promote and give success to whatever may contribute to the satisfaction, the glory, and the prosperity of the United States.

To which the President made the following reply. SIR:

It will always give us pleasure to acknowledge the friendship and important good offices which we have experienced from his Most Christian Majesty and Your generous Nation; and we flatter ourselves that the same principles of magnanimity and regard to mutual convenience which dictated the connections between us, will continue to operate, and to render them still more extensive in their benefits to the two Countries.

We consider the Alliance as involving engagements highly interesting to both parties, and we are persuaded that they will be observed with entire and mutual good faith.

We are happy in being so explicitly assured of the continuance of his Majesty's friendship and attachment; and in this opportunity of expressing the high sense we entertain of their sincerity and value. It is with real satisfaction Sir, that we receive You as his Minister Plenipotentiary, especially as Your Character gives us reason to expect that the harmony and Interest of both Nations will not be less promoted by Your talents, candor and liberality, than they

were by those which distinguished Your Predecessor, and recommended him to our Esteem and regard.

WEDNESDAY, FEBRUARY 27, 1788.

Congress Assembled, present, New Hampshire Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and South Carolina and from Connecticut M^r [Jeremiah] Wadsworth and from North Carolina M^r [James] White.

[Motion for a post from Philadelphia to Pittsburgh ¹]

Resolved That the Postmaster General be and he is hereby directed to employ Posts for the regular transportation of the Mail between the City of Philadelphia and the Town of Pittsburgh in the State of Pennsylvania; By the Route of Lancaster, Yorktown, Carlisle, Chamberstown and Bedford. And that the Mail be dispatched Once in each week from the Post Offices at Philadelphia and Chambers-town respectively, and once in each fortnight from Chamberstown and Pittsburgh respectively.

Resolved that the Postmaster General be and he is hereby Authorised to contract for this route upon the principles of the Act ² of Congress of the 15th of February 1787 for a term not exceeding seven years with any person or persons who will give satisfactory security for the performance of his or their contract; And if such contract cannot be formed by the first day of April next, that the Postmaster General make the establishment at the expense of the General Post Office.

¹ *Papers of the Continental Congress*, No. 61, p. 331, in the writing of Mr. William Irvine. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 184, this motion was referred to the Postmaster General to report. Report rendered March 3, 1788.

² See *Journals*, vol. XXXII, pp. 59-60.

[Letter of Postmaster General on mail contract ¹]

GENERAL POST OFFICE

Feb^y 27th 1788.

SIR: Pursuant to the Acts ² of Congress of Sept^r 4th 1786, and Feb^y 15th 1787 I entered into Contract with John Huff, of Winchester in Virginia, for the Establishment of a Cross-Post-Road between Alexandria in Virginia and Pittsburgh in Pennsylvania, by the Route of Leesburg, Winchester, Fort Cumberland, and Bedford; and also between Winchester and Stanton in Virginia. Among other Things, it was stipulated in the Contract, that M^r Huff should give Bond with sufficient Security for Performance; and that the Contract should not be binding upon the Postmaster General, nor should M^r Huff enjoy the Emoluments arising from it, until such Bond was given. As M^r Huff was a Stranger, he could not find Securities here; but promised to compleat the Business soon in Virginia, where he was known. Lest I should be imposed upon as to the Sufficiency of the Sureties, I referred the Matter to the Post master at Alexandria; who informs me that he has not seen M^r Huff since last May, and that he has never given Bond. M^r Huff himself has intimated to me that the Establishment cannot be made upon the Terms of the Contract; from which it appears hardly probable that a Communication with Pittsburgh, which may be depended upon, can be formed and supported upon that Route; at the same Time the Establishment of Government in the Territory of the United States, northwest of the River Ohio seems to render a regular and sure mode of Communication between the Seat of Federal Government, and that Country (at least as far as Pittsburgh) indispensably necessary. This might be had from Philadelphia were it not for the Interference of M^r Huff's Contract, which includes the Route between Bedford and Pittsburgh. This Contract was to continue for seven Years; but as more than a Year of the Time has already elapsed, and M^r Huff has neither given Bond, nor performed the other Duties required, and stipulated on his Part, I beg Leave to submit to your Excellency's Consideration whether it ought to be deemed obligatory upon the Postmaster

¹ *Papers of the Continental Congress*, No. 61, pp. 319-320, read February 27, 1788. Acted on May 20, 1788.

² See *Journals*, vol. XXXI, p. 629 and vol. XXXII, pp. 59-60.

General, so as to preclude other Arrangements upon the same Route (or a Part of it) which the public Service may call for.

I have the honor to be, etc.,

EBEN HAZARD ¹

² THURSDAY, FEBRUARY 28, 1788.

Congress assembled. Present as yesterday.

[Letter of Board of Treasury on loans ³]

BOARD OF TREASURY

February 23^d 1788.

SIR: We have the honor of submitting to the consideration of Congress, a letter received a few days since from the Commissioners of Loans in Holland, acquainting us of the slow progress of the Subscriptions to the last Loan, and of the danger of placing any dependance on that Source, for discharging the Interest which becomes due on the first of June next amounting to Two hundred and seventy thousand Florins or One hundred and eight thousand Dollars.

In a late conference which we had the honor of being admitted to in Congress, we stated to that Honorable Body the Sums we could place any reliance on receiving in a short time from the several States; since that period a proposition of payment has been made to the Board by the State of Virginia; which may eventually produce about Twenty six thousand Dollars; but even with this Augmentation all the resources within the Sphere of our present prospects, will but feebly support the Officers of the Civil Establishment; much less

¹ FEBRUARY 27, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 184, the following were referred:

The letter of recall of Chevalier de la Luzerne and the letter of credence of Count de Moustier to the Secretary for Foreign Affairs to report. A report on this subject was rendered on February 13 and another on June 2, 1788. See February 26, 1788.

A petition of the inhabitants eastward of Portland, Massachusetts, for the establishment of a post route. *Papers of the Continental Congress*, No. 42, VI, pp. 391-394, read February 27. Referred to the Postmaster General to report. Reported rendered March 5, 1788.

² Charles Thomson resumes the entry.

³ *Papers of the Continental Congress*, No. 140, II, pp. 479-482, received (read) February 28, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 184, this letter and the accompanying correspondence was referred to the Board of Treasury to report. See June 3, 1788.

provide for the arrearages of Pay and Subsistence due to the Troops in Service, which calculated to the 31st of December last, exceeds the Sum of Fifty thousand Dollars. The period is in all probability nearly Arrived when it may be found adviseable, either to open a New Loan in Holland, or to transfer former ones to that Country; these considerations have induced us to press it on the Commissioners, not to permit the credit of the United States to suffer from a deficiency in the punctual payment of this Interest.

A copy of our letter¹ on this subject we have the honor of laying before Congress; we wish it may produce the desired effect; but as we think every method ought to be used to insure a compliance on the part of the Commissioners, we submit it to the consideration of Congress, whether it might not be adviseable, at this Juncture, to pass some Resolve expressive of the sense which the United States in Congress entertain of the former services of those Gentlemen, and of the confidence they have, that their Zeal for the credit of the United States, will induce them not to suffer any delay to take place in the punctual payment of the June Interest; though the Subscriptions to the New Loan should not at that time be adequate to this object.

We have the honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON

His Excellency
THE PRESIDENT OF CONGRESS.

[Report of Board of Treasury on memorial of J. Le Roy and Sons²]

The Board of Treasury to whom was referred the Memorial of Jacob Le Roy of the City of New York

Beg leave to Report;

That it is the Practice of several Nations having a public debt to permit the Government Creditors to receive the Interest due on their Stock without producing the Original evidence of the Debt, provided the same be duly registered, and that a regular power of Attorney

¹ *Papers of the Continental Congress*, No. 140, II, pp. 483-488. This letter was in reply to the letters of November 20, December 7 and 25, 1787, from Willinks and van Staphorst.

² *Papers of the Continental Congress*, No. 138, II, pp. 51-52, read February 28, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 463. See February 5, 1788.

be produced to and filed with the proper Officer, authorising the Applicant to receive such Interest.

The Board therefore submit to the consideration of Congress the following Resolve, viz^t

"That the Interest which has accrued, or may hereafter accrue, on Certificates issued by the Register of the Treasury of the United States, be paid at the Treasury, agreeably to the General Provision, made for the payment of Interest on the Domestic Debt, either to the Creditor, in person, or to his legal Attorney; Provided that proper powers, authorising the receipt of such Interest, be previously produced and recorded at the Treasury, and that the same be considered of full force, 'till revoked by subsequent powers, to be produced and entered of Record in the manner above provided.

All which is most humbly submitted

February 27th 1788.

SAMUEL OSGOOD

WALTER LIVINGSTON ¹

FRIDAY, FEBRUARY 29, 1788.

Congress assembled, present New Hampshire, Massachusetts Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and South Carolina and from North Carolina Mr [James] White.

Mr Stephen Mix Mitchel and Mr Joseph Plat. Cook two delegates for Connecticut attended and produced the credentials of their appointment which were read.

¹ FEBRUARY 28, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 184, the following were referred:

The petition of the officers of Colonel Flower's regiment. Referred to the Secretary at War to report. Report rendered July 31, 1788. See February 25, 1788.

The report of the Board of Treasury on the memorial of Archibald Steele. Referred to the Board of Treasury to take order. See February 18 and 25, 1788.

[Credentials of Connecticut delegates¹]

State of Connecticut,

(Seal) At a General Assembly of the State of Connecticut in America holden at Hartford, in said State, on the second Thursday of May A Dom 1787.

This Day being appointed by Law for the Choice of Delegates, to represent this State of Connecticut, at the Congress of the United States of America.

Proclamation was made in manner accustomed, And then the Votes of the Freemen were given in to the persons appointed by the Assembly to receive sort and Count them and to declare the Names of the persons Chosen to the Office aforementioned according to Law; which Persons so appointed are Erastus Wolcott Esq^r Capt Solomon Griswold, Capt Simeon Parsons, Capt Benjamin Coit, Capt James Clark Major Elijah Hide Col^o Samuel Canfield M^r Elijah Hubbard and M^r Ephraim Kingsbury who were all sworn to a faithfull Discharge of that Trust.

And the Freemen's Votes being brought in Sorted and Counted

William Samuel Johnson	Esq ^r
Stephen Mix Mitchell	Esq ^r
Joseph Platt Cook	Esq ^r
Erastus Wolcott	Esq ^r
Jonathan Sturges	Esq ^r
James Hillhouse	Esq ^r
John Treadwell	Esq ^r

Are Chosen, and were publickly declared to be Delegates to represent this State of Connecticut in the Congress of the United States of America according to Law.

A true Copy of Record

Examin^d

By GEORGE WYLLYS *Secret^r*

¹ Original credentials, indorsed as read February 29, 1788, in *Papers of the Continental Congress*, Connecticut Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 250-251. Mr. Wolcott, Mr. Sturges and Mr. Hillhouse resigned before taking their seats. See January 21, 1788 for their successors.

A motion¹ being made by M^r [Paine] Wingate seconded by M^r [Dyre] Kearny

That two chaplains be appointed for Congress whose salaries shall not exceed three hundred dollars each per Annum to commence from the day of their appointment,

On the question to agree to this the yeas and nays being required by M^r [Dyre] Kearny

<i>New hampshire</i>		<i>Delaware</i>	
M ^r Gilman	ay	M ^r Kearny	ay
M ^r Wingate	ay	M ^r Mitchel	ay
<i>Massachusetts</i>		<i>Maryland</i>	
M ^r Dane	ay	M ^r Howard	no
M ^r Otis	ay	M ^r Contee	ay
M ^r Thatcher	no	<i>Virginia</i>	
<i>Connecticut</i>		M ^r Madison	ay
M ^r Mitchel	no	M ^r Griffin	ay
M ^r Cook	ay	M ^r Brown	ay
M ^r Wadsworth	ay	<i>N[orth] Carolina</i>	
<i>New York</i>		M ^r White	ay *
M ^r Hamilton	ay	<i>S[outh] Carolina</i>	
M ^r Gansevort	ay	M ^r Huger	no
<i>New Jersey</i>		M ^r Parker	ay
M ^r Clarke	ay	M ^r Tucker	no
M ^r Dayton	ay		
<i>Pensylvania</i>			
Irvine	ay		
M ^r Armstrong	no		
M ^r Reid	no		

So it was resolved in the affirmative.

Congress proceeded to the election and the ballots being taken

Doct^r Provost and

Doct Rogers were elected, the former having been nominated by M^r [Dyre] Kearny and the latter by M^r [Paine] Wingate.

¹ *Papers of the Continental Congress*, No. 23, p. 327, in the writing of Mr. Paine Wingate.

A motion¹ being made by M^r [Paine] Wingate seconded by M^r [Dyre] Kearny

That two chaplains be appointed for Congress whose salaries shall not exceed three hundred dollars each per Annum to commence from the day of their appointment,

On the question to agree to this the yeas and nays being required by M^r [Dyre] Kearny

<i>New hampshire</i>		<i>Delaware</i>	
M ^r Gilman	ay	M ^r Kearny	ay
M ^r Wingate	ay	M ^r Mitchel	ay
<i>Massachusetts</i>		<i>Maryland</i>	
M ^r Dane	ay	M ^r Howard	no
M ^r Otis	ay	M ^r Contee	ay
M ^r Thatcher	no	<i>Virginia</i>	
<i>Connecticut</i>		M ^r Madison	ay
M ^r Mitchel	no	M ^r Griffin	ay
M ^r Cook	ay	M ^r Brown	ay
M ^r Wadsworth	ay	<i>N[orth] Carolina</i>	
<i>New York</i>		M ^r White	ay *
M ^r Hamilton	ay	<i>S[outh] Carolina</i>	
M ^r Gansevort	ay	M ^r Huger	no
<i>New Jersey</i>		M ^r Parker	ay
M ^r Clarke	ay	M ^r Tucker	no
M ^r Dayton	ay		
<i>Pensylvania</i>			
Irvine	ay		
M ^r Armstrong	no		
M ^r Reid	no		

So it was resolved in the affirmative.

Congress proceeded to the election and the ballots being taken

Doct^r Provost and

Doct Rogers were elected, the former having been nominated by M^r [Dyre] Kearny and the latter by M^r [Paine] Wingate.

¹ *Papers of the Continental Congress*, No. 23, p. 327, in the writing of Mr. Paine Wingate.

According to the Order of the day Congress proceeded to the election of a Superintendant of Indian affairs for the Southern ~~Indians~~ Department and the ballots being taken

Richard Winne esq^r was elected having been previously nominated by Mr [Daniel] Huger.

~~A petition~~ An Address ¹ from the representatives of the people of Kentucky in convention met being read and a motion being made thereon by the delegates of Virginia

[Motion of the delegates of Virginia respecting Kentucky ²]

Resolved that the United States in Congress Assembled do approve ~~and ratify~~ of the Compact solemnly entered into between the State of Virginia and the District of Kentucky for the erection of the said District into a Seperate and Independent Member of the federal Union on the Terms and Conditions proposed into two Acts passed by the Legislature of Virginia the one at their Session in October 1785 entitled "An Act concerning the erection of the District of Kentucky into an Independent State" the other at their Session in October 1786 entitled "An Act making further provision for the erection of the District of Kentucky into an Independent State" And Acceeded to by a Convention held in the said District on the 22^d of September 1787.

Resolved that the Adress and Resolutions from the District of Kentucky together with the Acts of the Legislature of Virginia therein Specified be refered to a Committee of Members to

¹ *Papers of the Continental Congress*, No. 43, pp. 355-357. Signed by Samuel M^cDowell, President, and attested by Thomas Todd. Extracts from the Journals of a Convention of the Representatives of the District of Kentucky, passed September 22, 1787, signed by Samuel M^cDowell, and attested by Thomas Todd, are in *Papers of the Continental Congress*, No. 71, II, p. 587. The letter of M^cDowell to the Delegates of Virginia, September 25, 1787, transmitting the address and resolutions, is on p. 583.

² *Papers of the Continental Congress*, No. 20, II, p. 333, in the writing of Mr. John Brown. The reference of this motion and the address of the people of Kentucky to a committee of the whole to sit on March 4, 1788, is entered in the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 186. The committee reported on June 2 and the matter was acted on July 3, 1788. See March 4, May 30, June 3, and July 2, 1788.

prepare and report to Congress the form of an Ordinance for carrying into effect the purposes therein contained.

Ordered That the said Address and motion be referred to a com^{ee} of the whole to sit on tuesday next.

[Report of Board of Treasury on emission of money ¹]

BOARD OF TREASURY,
Feb^y 29th 1788.

The Board of Treasury to whom was referred a Motion ² of the Honorable Delegates from the State of Maryland, made in pursuance of Instructions from the Legislature of that State,

Beg Leave to Report to Congress the following Official Documents relative to the Negotiation, which is the Object of the said Instructions Viz^t

N^o 1 a 2. Two Reports of this Board of the 6th March, and 31st Oc^r 1786

3 a 9. Copies of Sundry Correspondence on the Subject referr'd

10. Contract betwixt the Board, and Mess^{rs} Forrest, and Stoddard.

11. Copy of a Letter from Benjamin Stoddart relative thereto.

From a Candid Investigation of this Subject, it will appear,

1st That the Board gave Early Intimation to Congress, that they had, and still meant to, put, into Circulation, certain Sums of new Emission Money, remaining Subject to the Orders of the United States, as the Money should appretiate, and the public Exigencies require the Use of it; and that the Silence of Congress, after this Information must be considered as an Acquiescence in the Measure.

2^d That previous to the Negotiation in Question, they took Every proper measure, to ascertain, the Existing, and probable Value of the New-Emission Money of the State of Maryland; and to dispose of the same on Terms more favorable than those agreed on with Mess^{rs} Forrest and Stoddart.

3^d That the Funds, Established Originally for the Redemption of the said Money, were not judged adequate, in the State of Maryland,

¹ *Papers of the Continental Congress*, No. 139, pp. 599-601, read February 29, 1788. The enclosed copies, nos. 1-11, are between pp. 605 and 657. The covering letter of the Board, also read, is in *Papers of the Continental Congress* No. 140, I, p. 467.

² See February 19, 1788.

and that an Act of the Legislature of that State, past Subsequent to the Contract, (and which of Course this Board could neither foresee or promote) produced that Rise in the Value of that money, which the Legislature of Maryland seems to think Injurious to the State, and too beneficial to the Contractors.

The Board beg Leave further to Inform Congress, in Obedience to their Order,

That in the Month of December, 1785 they put into Circulation in the State of New York of the New Emission the Sum of 21, 000
of Pensilvania in Sep^r 1786 7, 300.
of Virginia in May, and Sep^r 1786 42, 486. 0

The Board conscious of having acted in this Transaction, in the Manner which they conceived for the best Interest of the United States, Submit the whole to the Judgment of the United States.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Report of Board of Treasury on memorial of J. Woods ¹]

The Board of Treasury to whom was referred the Memorial of John Woods,

Beg leave to Report

That an Account of Services and Expences stated by the Memorialist has been some time since exhibited to this Board, Amounting to Seventeen hundred, and eighty Dollars.

That on this Account the Memorialist charges no less a Sum than 880 Dollars for Horses said to be stolen from him, whilst on his route to Seneca Old Town, with the Choctaw Indians in the Year 1785; but although the same was exhibited to the Commissioners for holding Treaties in that Year with the Southern Nations; it appears from their Report and Accounts in this Office, that there is every reason to suppose, the Horses said to be stolen, were bought by M^r Woods for the purpose of Traffick with the Indians.

That M^r Woods has however received from the Commissioners on the Account above stated, Four hundred and eighteen Dollars, and that there has since been paid to him in consequence of the Act² of

¹ *Papers of the Continental Congress*, No. 138, II, pp. 573-576, read February 29, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 459. Acted on May 15, 1788. See February 22, May 13 and June 13, 1788.

² See *Journals*, vol. XXXII, pp. 354-355.

Congress of the 18th of July last the Sum of One thousand and twenty Dollars and ten ninetieths. The Board are clearly of opinion that the above Sums received by M^r Woods are full compensation for any just Claim he may have against the United States for his Service and Expences in conducting Indians; and that (if the state of the Revenues was far more flourishing than it is at present) it has become absolutely necessary to put an effective Bar to all claims for contingent Services in the Indian Department which are founded on no juster principles, or supported on no better Vouchers than those of the Memorialist.

Under these circumstances they submit to the consideration of Congress, the following Resolve

That the Sum of 1587 30/90ths. Dollars heretofore paid to John Woods for his Service and Expences in attending Indians in the Years 1785 and 1787 be in full compensation of his Claims and demands whatsoever against the United States, for the purposes aforesaid.

All which is humbly Submitted.

SAMUEL OSGOOD

February 28th 1788.

WALTER LIVINGSTON¹

MONDAY, MARCH 3, 1788.

Congress assembled. Present New Hampshire Massachusetts Connecticut New Jersey Pennsylvania Virginia and South Carolina and from New York M^r [Leonard] Gansevort and from Delaware M^r [Dyre] Kearny and from N^o Carolina M^r [James] White.

¹ FEBRUARY 29, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 186, the following committee was appointed:

Mr. Jeremiah Wadsworth, Mr. Samuel Allyne Otis, Mr. Nathan Dane, Mr. Alexander Hamilton and Mr. Dyre Kearny on a letter of Isaac Roosevelt, October 25, 1787, with the award of the referees, received (read) February 29, 1788, regarding claims of contractors at West Point. Report rendered March 25, 1788. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 28, these papers were filed with the reports of committees on the Treasury Department.

[Report of Postmaster General on post from Philadelphia to Pittsburgh¹]

GENERAL POST OFFICE

March 3^d 1788

Upon the Motion for a Post from Philadelphia to Pittsburgh, the Postmaster General begs leave to

Report;

That he apprehends there will not be a sufficiency of Postage received from the Letters and Packets passing between Philadelphia and Pittsburgh to defray the Expence of such an Establishment, at present; but he is of Opinion that this will not long be the Case, as the Number of Emigrants to the Westward, already very great, will annually be much encreased:

That the Establishment of Government in the Territory of the United States Northwest of the River Ohio, seems to render a regular Mode of Intercourse between the Seat of Federal Government and that Country, necessary; and, considering that Individuals will contribute to its Support, the Mode of Communication by Post will be the least expensive, as well as most convenient to the Public;

That the Route proposed is rather circuitous; but York Town, and Carlisle, being County, as well as trading Towns, may be of sufficient Importance to demand Attention:

That your Postmaster General is of Opinion that it will be advisable to employ Posts between Philadelphia and Pittsburgh; but as the Distance is great, and the Expence will be encreased by the *Frequency* of Communication, he begs leave to propose, that the Mail be sent but once in each Fortnight, throughout the whole Route,

¹ *Papers of the Continental Congress*, No. 61, pp. 323-324, read March 3, 1788. See February 27, 1788.

unless the Business can be done by Contract; in which Case the Contractor might be engaged, perhaps, to do it weekly.

Which is respectfully submitted.

EBEN HAZARD¹

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, MARCH 4, 1788.

Congress assembled. Present New hampshire Massachusetts, Connecticut New York, New Jersey Pennsylvania, Delaware Virginia and South Carolina ~~and from New York~~ Mr [Leonard] Gansevoert and from N^o Carolina Mr [James] White.

According to the Order of the day Congress was resolved into a com^{ee} of the whole.

Mr [Samuel Allyne] Otis was elected to the chair.

After some time the president resumed the chair and Mr Otis reported that the Com^{ee} of the whole had taken into consideration the subject referred them but not having come to a resolution desire leave to sit again, which was granted.²

¹ MARCH 3, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 186, the following committee was appointed:

Mr. Jeremiah Wadsworth, Mr. Nathan Dane, Mr. Abraham Clark, Mr. William Irvine and Mr. Dyre Kearny, on resolutions of the legislature of Virginia respecting the settlement of claims for the western territory. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 28, these papers, dated January 7 and received (read) March 3, consisted of the report and resolutions of the Assembly of Virginia with letters N. 1 and 2 on the subject of Illinois accounts and papers marked A, B, C, D, E, F, G, H, I, K, L, M, N, O, P. The committee reported May 5, 1788.

² The subject under consideration was a motion of the Delegates of Virginia respecting Kentucky. See February 29, June 2 and July 3, 1788.

[Report of Board of Treasury on memorial of J. Read ¹]

The Board of Treasury to whom was referred the Memorial of James Read

Beg leave to Report

That the Memorialist solicits of Congress an allowance for his expences from Bordentown to Baltimore, and at Baltimore in the year 1778 when agreeably to the Orders of Congress he removed to Baltimore the Books and Papers of the Navy Board of the Middle Department; and an additional Compensation for performing the duties of a Paymaster at the time he acted as Secretary to the late Agent of Marine from July 1783 to September 1784.

On the above Memorial the Board beg leave to Report, That it appears by a Resolve² of Congress of the 13th May 1778 that the sum of Six hundred Dollars was granted to Francis Hopkinson and Joseph Wharton (then Commissioners of the Navy Board for the Middle district) on account of their extra expences at Bordentown and to defray their expences at Baltimore, which sum when reduced, to Specie Value, is equal to 247 dollars.

That it does not appear by any document amongst the papers of the Marine, that M^r Read has received any compensation on account of this Service.

That it is represented by the Commissioner for settling the accounts of the Marine Department, that M^r Read has settled the Accounts of his Department with great regularity and integrity; and that it therefore appears equitable that an allowance should be made to him, as well as to the principals of the Navy Board, for expences incurred in a similar service.

With respect to any additional Compensation to M^r Read for discharging the duties of a Paymaster whilst acting as Secretary to the Agent of Marine, the Board beg leave to Report,

That M^r Read has been allowed for his Services whilst acting as Secretary to the Agent of Marine at the rate of One thousand dollars per annum; that during the time he officiated in that department there was little or no business transacted therein or disbursements made; and that from an examination of Receipts and Expenditures

¹ *Papers of the Continental Congress*, No. 138, II, pp. 285-288, read March 4, 1788. See February 5, 1788.

² See *Journals*, vol. XI, p. 493.

made at that period by the Memorialist, the Board are of opinion that the Compensation already received by him is fully adequate.

Under these Circumstances they submit to the Consideration of Congress the following Resolve,

That there be allowed to James Read late Paymaster for the Navy Board of the Middle district the sum of two hundred and forty seven Dollars in full for his extra Service and Expence in removing the Books and Papers of his Office from Bordentown to Baltimore in the year 1778; and that the Commissioner of Accounts for the Marine Department issue his Certificate for the above sum.

All which is humbly submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

March 3^d 1788.

WEDNESDAY, MARCH 5, 1788.

Congress assembled. Present New hampshire Massachusetts Connecticut New Jersey, Pensylvania, Delaware Virginia and South Carolina and from N[orth] Carolina Mr [James] White.

[Report of committee on pay of A. C. Hanson and R. Goldsborough¹]

The Committee consisting of [Mr. John Armstrong, Mr. James Madison and Mr. Nicholas Gilman] to whom were referred the letters from the Hon. A. C. Hanson and R. Goldsboro Esquires on the subject of an allowance for their attendance as Judges of a Fœderal court instituted by Act² of Congress of the 13th of September 1786 for hearing and determining a territorial dispute between the States of South Carolina and Georgia, report,

That it has been usual in such cases for the States in controversy to make provision for all the expences incident to fœderal courts and that tho' the court of which Messrs Hanson and Goldsbro' were judges was prevented from sitting by an Act of Comprise between the contending States, yet that in the opinion of your Committee this circumstance, which is the only one in which it differs from other cases,

¹ *Papers of the Continental Congress*, No. 19, III, pp. 37-38, in the writing of Mr. John Armstrong (?). Read March 5, 1788. See July 30, 1787, and February 5 and 12, 1788. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 34, this report was filed.

² *Journals*, vol. XXXI, pp. 650-652.

does not warrant any departure from the customary mode, and that the States of S^c Carolina and Georgia should make immediate provision for the discharge of all such expences as did arise under the appointment of the said Court previously to their notice of the Act of compromise aforesaid. Under this Opinion your Committee submit the following Resolution,

Resolv'd that it be recommended to the States of S^c Carolina and Georgia to make adequate Allowance to M^r Hanson and M^r Goldsboro for their services as Judges under the Act¹ of Congress of the 13th of Sept. 1786.

[Report of committee on memorial of J. Fitch²]

The Committee consisting of M^r [Abraham] Clark M^r [Thomas Tudor] Tucker and M^r [John] Armstrong to whom was referred the memorial of John Fitch, Stating that he had at considerable expence determined the Practicability of applying Steam to the purposes of impelling boats against the Currents or tides of large fresh water or other rivers in such manner as exceedingly to lessen the expence, and encrease the facility of Navigating the same; And praying that Congress would make him an Allowance in land; as well in consideration of the discovery itself, as to enable him to bring to effect a project which promises much ultimate advantage to the United States: report,

That having examined the evidence produced by M^r Fitch in Support of the fact Stated in his memorial, and believing it to be founded, They are of Opinion that the prayer of his memorial should be granted, and Accordingly offer the following resolution,

Resolved, That the board of Treasury be, and they hereby are Authorized and directed to execute a grant unto John Fitch or his Assigns, for Acres of Land to be laid out in any part of the Unappropriated Lands belonging to the United States lying North West of the River Ohio, which the said John Fitch may make choic of, Provided that the said Tract shall be seperated from the other Lands of the United States (excepting where a River shall be made a boundary) by lines running East and West North and South, and

¹ *Journals*, vol. XXXI, pp. 650-652.

² *Papers of the Continental Congress*, No. 19, II, pp. 277-278, in the writing of Mr. Abraham Clark. The report was delivered March 4 and read March 5, 1788. The memorial was filed August 19, 1788, and the papers delivered to Mr. Clark. See February 5, 11 and 13, 1788.

the said Tract to extend in length North and South twice the distance that it may be in breadth East and West. And also that when ever the said John Fitch shall compleat a boat or Vessel which shall be moved through the Water at the rate of Miles per hour, by the intire force of Steam, in which the Works and all the necessary Appurtenances thereto, shall not exceed in Weight one fourth part of the burthen of said boat, or Occupy more than that proportion of the room therein, and that said boat so constructed, shall continue in general use for the Span of one Month without any Material repairs, and produce proof thereof by two or more Credible Witnesses, Satisfactory to the Commissioners of the board of Treasury, That then the said Commissioners are hereby further directed to make an Additional Grant unto the said John Fitch or his Assigns of Acres of Land to be laid out wherever the said John Fitch shall fix upon, in any part of the Land of the United States on the North West side of the River Ohio, which shall at that time be Unappropriated; Observing in Ascertaining the bounds thereof, the same Rule as to the length breadth and Courses thereof, as directed in the above Proviso.

[Report of Postmaster General on post route¹]

GENERAL POST OFFICE,

March 4th 1788

The Postmaster General, having duly considered the Petition of the Inhabitants of Massachusetts, Eastward of Portland, praying for the Establishment of a Post between Portland and Pownalborough, begs Leave to

Report, That, although he has been intimately connected with the Post Office Department ever since May 1775, (when he received an Appointment under the *Committee* of New York) he does not recollect, nor can he find by any Documents in this Office, that any Post rode between Portland and Pownalborough, at the Expence of the General Post Office of the Union, before October 1784:

That, in May 1784, the Postmaster at Boston, at the Request of some Gentlemen to the Eastward, represented to the Postmaster General, the Anxiety of the Eastern Inhabitants of Massachusetts, for a Rider to "go fifty miles below *Falmouth*", now Portland; and informed him that if "Thirty Pounds per Year" (100 Dollars) could

¹ *Papers of the Continental Congress*, No. 61, pp. 427-428, read March 5, 1788. The covering letter of Hazard is on p. 333. See February 27, 1788.

be allowed from the General Post Office, "the Inhabitants engaged to make up the Deficiency by Subscription;" intimating, at the same Time, that it was probable the Thirty Pounds would be reimbursed by the Postage to be received:

That a Post began to ride, upon these Principles, in October 1784, and was continued for fifteen Months, when the new Plan of transporting the Mail, by Stage, took Place:

That, by the Act¹ of Congress of Sept^r 4th 1786, the Route from Portland to Pownalborough was enumerated among the Cross Roads, which the Post Master General was directed to farm; but, no Person appearing to take it, upon that Principle, no public Mail has since been carried upon that Route;

That from the Petition it appears, that the Establishment of the Post alluded to, is both a favorite and important Object with the Petitioners; and it will, doubtless, facilitate a Communication with the Capital of the State, and prove a Convenience to Government;

That the Expence of Two hundred Dollars per Annum, stated by the Petitioners as necessary for supporting the Establishment, cannot be considered as worthy to be put in Competition with the Advantages which it is supposed will arise from it;

And therefore your Postmaster General is of Opinion, that it will be both prudent and expedient to grant the Prayer of the Petition: Which is respectfully submitted.

EBEN HAZARD²

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, MARCH 6, 1788.

Congress assembled present New hampshire Massachusetts Connecticut Pennsylvania Delaware Virginia and S^o Carolina and from New York M^r [Leonard] Gansevoort from

¹ See *Journals*, vol. XXXI, p. 629.

² MARCH 5, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 186, there was referred to the Board of Treasury to report a letter of David Brearley to the Delegates of New Jersey, dated February 22 and read March 5, 1788, respecting his claim for depreciation of pay. *Papers of the Continental Congress*, No. 41, I, pp. 469-471, with two accounts on pp. 473 and 477 and a note on p. 475. Report rendered March 12, 1788.

New Jersey M^r [Abraham] Clarke and from N^o Carolina M^r [James] White.

[Report of committee on the address of the inhabitants of Post St. Vincents ¹]

The Committee [consisting of Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White] to whom was refered the Petitions of the French and American Ihabitants of Post Vincents and the Illonois, by their Agent M^r Tardivo, beg leave to report, that the Petitions are not accompanied by any documents which justify the claims of the Petitioners to Lands under antient grants, and your Committee are of Opinion the prayer of the Petitioners be not granted. they further report that the State of Virginia in their Cession of the Lands North west of the River Ohio Stipulated "That the French and Canadian inhabitants, and other settlers of the Kaskastkias, S^t Vincents and the neighboring Villages who have professed themselves citizens of Virginia, shall have their Possessions and titles confirmed to them and be protected in the enjoyments of their rights and liberties" And your Committee are of Opinion that the Governor of the Western Territory be directed to Obtain, as soon as may be, from the Petitioners "a Statement of their rights to lands within the s^d Country guaranteed to them by Congress, in their Acceptance of the Virginia Cession, with the origin and extent thereof," and report the same to Congress with a plan for securing to the Petitioners the peacable, and quiet possession of their just ~~claims~~ rights.

[Report of committee on boundary of western cessions ²]

The Committee consisting of M^r [Abraham] Clark, M^r [William] Irvine, M^r [John] Armstrong M^r [Jeremiah] Wadsworth and M^r [John] Brown to whom was refered a Motion of M^r [William] Irvine, Submit the following resolution

~~Resolved, That the Geographer of the United States, be, and he is hereby directed as soon as conveniently may be, to Accurately run~~

¹ *Papers of the Continental Congress*, No. 30, pp. 497-498, in the writing of Mr. Jeremiah Wadsworth. Read March 6, 1788. This report, together with another petition of March 18, was recommitted to the same committee on March 27, 1788. See February 12, 13, 22 and 25, 1788.

² *Papers of the Continental Congress*, No. 30, p. 603, in the writing of Mr. Abraham Clark. Read March 6 and passed June 6, 1788. See February 25, 1788.

and Ascertain by himself or Deputy duly appointed for that purpose, the line of Cession from the States of New York and Massachusetts, between Lake Erie and the Northerly boundary of the State of Pennsylvania; which line is to be run on a Meridian twenty Miles West of the most Westerly bend of the River or Strait between Lake Erie and Niagara.¹

That the Geographer inform the Executive of the States of New York and Massachusetts of the time of running said Line in order that they or either of them may if they think proper have persons attending at the time.

That the said Geographer or his deputy having run the said Meridian Line between Lake Erie and the State of Pennsylvania, and Marked and Noted down in his field Book proper Land Marks for perpetuating the same, shall proceed to make a Survey of the Land lying West of said Line between Lake Erie and the State of Pennsylvania so as to Ascertain the quantity thereof, and make return of such Survey to the board of Treasury, who are hereby Authorized and impowered at any time before or after such Survey to sell the said Tract, either in whole at private Sale for a price not less than $\frac{3}{4}$ of a dol. per Acre in Specie or publick Securities drawing Interest, or in parcels at publick Auction after giving three months Notice of the time and place of Sale, Provided the price per Acre in such Sales shall not be less than the price above mentioned.²

FRIDAY, MARCH 7, 1788.

Congress assembled present as yesterday.

¹ The form of this paragraph as adopted, in the writing of Mr. John Brown, is attached to the original report.

² MARCH 6, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 186, there was referred to the Board of Treasury to report:

A petition of Moore Faunt Le Rey, read March 6, 1788, respecting the settlement of his accounts and the retention of vouchers. *Papers of the Continental Congress*, No. 42, III, pp. 161-162. Report rendered May 2, 1788. See May 6, 1788.

Also according to the *Committee Book*, p. 178, Mr. Jeremiah Wadsworth was named in the place of Mr. James Madison on the committee of February 1 on the letter of Baron von Steuben.

MONDAY, MARCH 10, 1788.

Six states ~~assembled~~ only attended namely New hampshire Massachusetts Connecticut Pennsylvania Virginia and South Carolina and from New York M^r [Leonard] Gansevoort from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross and from North Carolina M^r [James] White.

M^r [David] Ross¹ a delegate for Maryland attended.

TUESDAY, MARCH 11, 1788.

Five states only attending namely New hampshire Massachusetts Connecticut New Jersey and South Carolina and from Pennsylvania M^r [William] Irvine from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross from Virginia M^r [Cyrus] Griffin and from North Carolina M^r [James] White, the president adjourned Congress to 11. Oclock to morrow.

WEDNESDAY, MARCH 12, 1788.

Congress Assembled present New hampshire Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina and from New York M^r [Leonard] Gansevoort from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross and from N^o Carolina M^r [James] White.

[Report of Board of Treasury on memorial of D. Brearley²]

The Board of Treasury to whom was referred the Memorial of the Honorable David Brearly Chief Justice of the State of New Jersey

Beg leave to Report:

That the Month of June 1779 the Memorialist, then a Lieu^t Colonel in the Army of the United States accepted of the appointment of Chief Justice of the State of New Jersey, and in July following

¹ See January 21, 1788 for credentials of Mr. David Ross.

² *Papers of the Continental Congress*, No. 138, I, pp. 139-141, read March 12, 1788. The covering letter, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 471. See March 5, 1788.

informed Congress of his intention of retiring from Service; but that he wished to retain his Rank in the Army without Pay.

That in pursuance of this Application, it was Resolved¹ by Congress on the 22nd of July 1779,

“That the desire of L^t Col^o Brearly to hold his rank in the Army, after he shall have accepted of the Office of Chief Justice of the State of New Jersey, cannot be complied with.”

Under the above circumstances, the Board are of opinion, that Lieu^t Col^o Brearly must be considered as having retired from Service, from the time he accepted the Office above stated, and of course precluded by the Acts² of Congress of the 10th of Aug^t 1780, May 15th and 12th August 1785, and 3^d February 1786; from all Claims on account of Pay, or Depretiation of Pay, to which he might otherwise have been entitled, by virtue of the Resolve³ of the 11th April 1780.

All which is humbly Submitted.

March 11th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letter of Secretary at War respecting land bounties⁴]

WAR OFFICE, *March 10th 1788.*

SIR: I have the honor to submit to Congress, a report of the measures which have been adopted, in consequence of their directions of the 22nd of October last,⁵ respecting the lands appropriated to satisfy the bounties due the late army of the United States, and also, to state some circumstances relative to claims for lands, by certain descriptions of officers, on which it may be necessary for Congress to decide.

¹ *Journals*, vol. XIV, p. 861.

² The dates should be August 8, 1780, May 15 and August 13, 1783 and February 3, 1786. See *Journals*, vols. XVII, pp. 710-711, XXIV, pp. 343 and 502, and XXX, p. 43, respectively.

³ Should be April 10, 1780. See *Journals*, vol. XVI, pp. 344-345.

⁴ *Papers of the Continental Congress*, No. 150, III, pp. 101-107, read March 12, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 186, this report was referred to a committee, consisting of Mr. Abraham Clark, Mr. George Thatcher, Mr. Leonard Gansevoort, Mr. Nathan Dane and Mr. James White, which was discharged on July 16, 1788. See July 17, August 28, and September 25, 1788.

⁵ *Journals*, vol. XXXIII, pp. 695-696.

The numerous speculations, or transfers of the real and supposed claims of individuals, for lands, rendered it highly proper to ascertain the names of all persons originally entitled to lands, by the resolves of Congress. Accurate lists are therefore making out, at the office of the Commissioner of army accounts of all the legal claimants. The muster rolls from time to time are the only genuine means to guard against fraud in this case. The alphabetical lists which are forming from them are considerably advanced, and will probably be completed in three months. The work which is very voluminous will be important for other public objects than the one herein specified.

I applied, early after Congress passed the before recited resolve of the 22nd of October, to the Geographer to have the tract situated at the mouth of the Ohio surveyed. He expressed his readiness to direct the surveys, but required, as an indispensable preliminary, an advance of twelve hundred dollars, without which, the persons in the department could not undertake the business. The board of treasury, on a request for this sum, stated, that the situation of the treasury would not admit of any advance to the surveyor's department.

Being desirous that the orders of Congress should be promptly executed in this respect, I suggested the expedient of the surveys being performed, under the direction of the Geographer, by some of the military officers on the Ohio. The board of treasury, and the Geographer agreeing with me in the propriety and oeconomy of the measure, I directed Brigadier General Harmar to appoint suitable officers to survey the exterior lines of the tract, at the junction of the Ohio, with the Mississippi, according to the mode which should be pointed out by the Geographer. I stated explicitly that for this service the officers were not to expect any compensation. But I informed him that the tracts would be divided into lots, and that for the surveys of such lots as should have been alienated by the persons originally entitled, a reasonable price would probably be fixed, by which the officers would be compensated for their trouble in making the surveys.

I humbly presume, that it is the intention of Congress, that the officers and soldiers possessing their own rights to land should have the quantity to which they are respectively entitled, surveyed and delivered to them free of all expences whatever.

But, as a very great proportion of the persons originally entitled, have transferred their claims to Speculators for inadequate considera-

tions, the public are not obliged perhaps to survey and deliver such lands free of all expence.

Were the whole quantity due the late army to be surveyed into lots of the sizes stipulated, the cost of the surveys would probably exceed the sum of one hundred thousand dollars, a sum, far exceeding the public ability to furnish for the object. As this is a point on which the decision of Congress may be considered as necessary, the following resolve is submitted.

Resolved, That all officers and soldiers of the late army of the United States, possessing their rights to the bounty lands stipulated by the resolves of Congress, shall have the quantity to which they are respectively entitled, surveyed and delivered to them without any expence whatever. That the army rights to lands which may have been alienated, be charged only with the actual expences of surveying the same.

A mode for the distribution of the lands will be formed and hereafter submitted to Congress.

Some doubts have arisen whether the officers who were deranged in 1778 and 1779 were entitled to lands. But I presume a recurrence to the original resolve¹ on this subject of the 16th of September 1776, will fully establish their right. It is there stipulated that lands shall be granted "to the officers and soldiers who shall engage in the service, and continue therein until the end of the war, or *until discharged by Congress*, and to the representatives of such officers and soldiers as shall be slain by the enemy."

An officer who resigned and voluntarily quitted the service was clearly precluded from land and other emoluments. But in the case of a derangement by Congress, he is entitled to all the stipulations made previously to his discharge. The officers who were discharged in 1778 and 1779 received one year's pay in a depreciated paper as a gratuity, but there were not any resolves of Congress which deprived them of the lands.

Some doubts have also been suggested respecting the lands which have been alienated since the war by the officers and soldiers originally entitled. The preamble of the resolve² of Congress of the 20th of September 1776 precluded the sale of the lands only during the war, and the resolve founded thereon ought not to have a more extensive construction. The resolve itself, however seems to preclude any

¹ *Journals*, vol. V, p. 763.

² *Journals*, vol. V, p. 788.

assignment without limitation of time. But as this could not probably have been the meaning of Congress the assignments clearly made since the war will be considered as valid, unless it should please Congress otherwise to direct.

Should the mode herein suggested for the survey of the outlines of the tract at the mouth of the Ohio, meet with the approbation of Congress the outlines of the reserved tract north of the purchase of Cutler and Sargent could also be surveyed by the same means; And if a discrimination could with propriety be made between unalienated and alienated lots, so that the latter should be charged with a reasonable price for the expence of surveying, the whole of the army lands might be delivered to the persons entitled thereto, without any expence to the public.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

[Report of Commissioner of Army Accounts on petition of C. Medici ¹]

OFFICE OF ARMY ACCOUNTS

New York March 10th 1788

The Commissioner of Army Accounts to whom was refered the Petition of Cosimo Medici, begs leave to report,

That the Commissioner had a deputy stationed in North Carolina from August 21st 1784 to the last of June 1785 for the purpose of receiving and examining the claims of the Army. that your Commissioners deputy advertised in the public papers that these claims be produced, and that in the winter of 1784 the Commissioner attended in the State himself to receive and finally adjust them. That a Resolve ² of Congress of the 2^d day of Novem^r 1785 has directed that all persons having claims for services performed in the military department, should exhibit the same for liquidation to your Commissioner on or before the first of August then next, and that all claims

¹ *Papers of the Continental Congress*, No. 62, pp. 227-228, read March 12, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 186, this report was referred to a committee, consisting of Mr. Stephen Mix Mitchell, Mr. John Brown and Mr. Paine Wingate, which reported May 16, 1788. See July 23, 1787 and July 14, 1788.

² *Journals*, vol. XXIX, p. 866.

under the description above mentioned which should be exhibited after that period is forever hereafter to be precluded from adjustment or allowance, which Resolve your commissioner did give public notice of in the State of North Carolina, for the term of six months, by inserting the same in the News papers of the State for that period.

That the Petitioner did not lodge his demands, either with your Commissioner or his deputy within the period assigned in the before mentioned resolution of Congress, wherefore the Commissioner is humbly of opinion that no releif can be granted to the Petitioner, in respect to the demands on your Commissioners Office, and that his claim by the said Act is forever precluded from adjustment or allowance.

That his further claim for the loss of his Horses is not precluded by the afores^d act, and properly comes before the Treasury for the consideration of the propriety of its being admitted, and as the compliance with demands of this nature must depend on the resolves of Congress already existing, the particular interposition of Congress in this case, your Commissioner presumes, is unnecessary.

All which is humbly submitted.

JN^o PIERCE

[Letter of Secretary for Foreign Affairs regarding capture of sloop America.]

OFFICE FOR FOREIGN AFFAIRS

7th March 1788

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, two Letters both dated the 5th of last Month, one from Mess^{rs} Clark and Nightingale, and the other from the Honorable

¹ *Papers of the Continental Congress*, No. 80, III, p. 450, read March 12, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 186, this letter and the enclosed documents were referred to the Secretary for Foreign Affairs to report. Report rendered March 25, 1788. This report with the enclosures was transmitted to the office for Foreign Affairs on May 21, 1788.

David Howell Esq^r, together with the Papers that accompanied them, and am with great Respect, etc.,

JOHN JAY¹

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, MARCH 13, 1788.

Congress assembled present as yesterday.

[Report of Secretary for Foreign Affairs on Col. Smith's letter²]

OFFICE FOR FOREIGN AFFAIRS

12th March 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Letter from Col^l Smith of the 12th Septem^r last with the Papers that accompanied it,

Reports,

That they contain a Detail of Occurrences and Observations in the Journey he made to Lisbon, to deliver the Letter of Congress to the Queen of Portugal. It appears from them that he was well received by the Court of Madrid, and favored by the Minister with a polite and friendly Letter of Introduction to the Spanish Resident at Lisbon.

¹ MARCH 12, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 186, the following committee was appointed:

Mr. Stephen Mix Mitchell, Mr. John Brown and Mr. Paine Wingate on a memorial of John Story, dated March 10, read March 12, 1788, regarding his claims, together with a report of the Board of Treasury on a former memorial, read February 1, 1788. *Papers of the Continental Congress*, No. 41, IX, pp. 305-306. Additional documents are on pp. 313-322. The committee was renewed on July 28 and the matter acted on September 5, 1788. This was the same committee as on the case of Cosimo Medici. See March 25, 1788.

Also according to indorsement and the *Committee Book*, was referred to the Board of Treasury to report:

The petition of Garret Rapalje and John Woods, for themselves and others, dated March 7, read March 12, 1788, for purchase of a tract of land. *Papers of the Continental Congress*, No. 42, VIII, p. 410. Report rendered March 19 and acted on May 7, 1788. See May 23, 1788.

² *Papers of the Continental Congress*, No. 81, III, pp. 43-44, read March 13, 1788. See February 5 and 12, and July 28, 1788.

That he received particular Marks of Attention from the Queen and her Minister for foreign Affairs, with whom he had much Conversation respecting the Treaty negotiating between that Country and this.

That the Queen "was not much pleased that, she had not been noticed by Congress in the Way that her Friends and neighbouring Nations had."

That she was desirous of receiving a Minister from the United States, and of sending one to them of any Rank or Degree most agreeable to them; but she did not wish that only a Chargé des Affaires should be appointed.

That the Queen would rather negotiate for a Treaty at Lisbon than at London; and that this Disposition rendered it probable that in such an Event the Obstacles which now retard it might be more easily removed.

Your Secretary thinks it adviseable for the United States to conclude a Treaty of Commerce of limited Duration with Portugal, and that a Minister plenipotentiary should be sent to that Court in case adequate Provision can be made for the Expence.

He further reports, that the Conduct of Col^l Smith appears to him to have been proper; and therefore in his Opinion that it would be well to permit your Secretary to insert the following Paragraph in the next Letter which he may write to the Colonel.

"Your Letter of the 12th September last together with the Papers which accompanied it have been communicated to Congress, and in Obedience to their Orders I have the Pleasure of informing you that they are pleased with the Manner in which you appear to have treated the Affairs to which those Dispatches relate."

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

² TUESDAY, MARCH 18, 1788.

Congress Assembled, present, New Hampshire Massachusetts, Connecticut, Pennsylvania Delaware, Virginia and

¹ MARCH 13, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 187, was referred to the Board of Treasury to report:

The report of the Commissioner of Army Accounts on the claim of E. Waters. This report was delivered March 13, 1788.

² Roger Alden takes up the entry.

South Carolina and from New Jersey M^r [Abraham] Clark, from Maryland M^r [David] Ross and from North Carolina M^r [James] White.

¹The Secretary for foreign Affairs, to whom was referred a letter² of the day of 1787 from the Chevalier de la Luzerne to his Excellency the President of Congress having reported,³ That in his opinion it would be proper that he should write to the Chevalier a letter of the following tenor,

SIR: His Excellency the President laid before Congress your letter of recall, together with the one that enclosed it; and I have the honor, in obedience to their orders, to assure You, that had You resumed Your former place near them, You would have received fresh and continued marks of that esteem with which the manner in which You fulfilled the duties of it, very early impressed them. They have heard with pleasure of the recent and honorable proof which the King has given You of his confidence, and as Your attachment and services to this country will always be remembered, so You will always have the best wishes of Congress, that success and prosperity may attend You to every station, to which Your distinguished merit and talents may induce the King to call You.

Resolved, that Congress agree to said report and that it be referred to the Sec^y for for^a Affairs to take order.

¹ From this point to the end of the day the entry was made by Roger Alden in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1680-1681.

² *Papers of the Continental Congress*, No. 96, p. 396-397 and enclosure p. 390 (copies). See February 5, 1788.

³ *Papers of the Continental Congress*, No. 81, III, pp. 47-48, read March 18, 1788. The reference of the report to the Secretary for Foreign Affairs to take order is noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 187.

[Letter of Secretary at War transmitting information on Western territory¹]

WAR OFFICE, *March 17th 1788.*

SIR: I request permission to submit to your Excellency for the information of Congress, the copy of a letter received from Brigadier General Harmar, commanding the troops on the frontiers of the United States dated the 10th of January last.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War transmitting information on Indian affairs²]

WAR OFFICE, *March 17th 1788.*

SIR: I have the honor to submit to Congress, copies of the following letters and papers containing information relative to indian affairs, viz^t

- 1 A letter from the Governor of the western territory, dated 14th March 1788.
- 2 Information by William Wilson, dated, 6th Feb^y 1788.
- 3 A message from Capt. Pipe to the officer commanding at Detroit.
- 4 A letter from the Superintendant of the Northern department, dated, 11th March 1788.

¹ *Papers of the Continental Congress*, No. 150, III, p. 121, read March 18, 1788. A copy of General Harmar's letter, reporting generally on affairs in the Western territory, is on pp. 109-117. The enclosures mentioned in the letter are not present. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 187, the letter of General Harmar, so far as it related to the dismantling of Fort McIntosh, was referred to the Secretary at War to report. Report rendered March 25, 1788. See March 27, 1788.

² *Papers of the Continental Congress*, No. 150, III, p. 125, read March 18, 1788. The enclosures are the following copies: no. 1, A. St. Clair to H. Knox, March 14, 1788, pp. 129-130; no. 2, information from William Wilson, February 6, 1788, pp. 133-137; no. 3, Half King and Capt. Pipe to Our Father, pp. 141-142; no. 4, Superintendant of Northern Department to H Knox, March 11, 1788, (missing); and no. 5, Jonathan Heart to General Harmar, December 5, 1787, pp. 145-146. See March 24, May 2, 5, 15, 20 and July 2, 1788.

5 An extract of a letter from Capt Heart, who is stationed at Venango to Brigadier General Harmar dated the 5'th of December 1787.

I have the honor to be, etc.,

H KNOX ¹

His Excellency

THE PRESIDENT OF CONGRESS.

WEDNESDAY, MARCH 19, 1788.

Congress Assembled, present, New Hampshire Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina and from Delaware M^r [Nathaniel] Mitchell, from Maryland M^r [David] Ross and from N[orth] C[arolina] M^r [James] White.

The Committee to whom it was referred, to revise and amend the land ordinance, having reported the draught of a supplement to an Ordinance entitled, An Ordinance for ascertaining the mode of disposing of lands in the Western territory, it was read a first time.

[Report of committee on amendment of land ordinance ²]

A Supplement to an Ordinance entitled "An Ordinance for Ascertaining the mode of disposing of Lands in the Western Territory.

¹ MARCH 18, 1788. According to indorsement was read:

A memorial of the French and American inhabitants of St. Vincents and Illinois, presented by their agent, Bartholomew Tardiveau. *Papers of the Continental Congress*, No. 48, pp. 221-224. See February 25 and March 27, 1788.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 29, was received (read):

A petition of John C. Symmes requesting that the islands contiguous to his grant should be included in his purchases. See March 24, 1788.

² *Papers of the Continental Congress*, No. 59, III, pp. 455-460, in the writing of Mr. Abraham Clark, read March 19, 1788. The committee, appointed February 22, 1788, consisted of Mr. Abraham Clark, Mr. Nathan Dane, Mr. James Madison, Mr. William Irvine and Mr. Jeremiah Wadsworth. The report was assigned for consideration on Monday, March 24th. Printed copies of the report, used for the second reading, are in *Papers of the Continental Congress*, No. 59, III, pp. 463-464 (with Mss. changes by Thomson), 471-472 (Mr. Parker's copy with Mss. changes), and 473-474; and also in Broad-sides. The portions underlined by the editor were struck from or amended in the original report during debate. See June 19, July 2 and 9, 1788.

Whereas it Appears inconvenient to pursue the mode prescribed in the Land Ordinance¹ passed the twentieth day of May in the year one thousand seven hundred and eighty five, for disposing of the Land therein directed to be Surveyed, by Allotting certain proportions thereof to the Several States to be sold by Loan Officers in each State. And Whereas a Sufficient quantity of Land hath been Appropriated for the bounties to the late continental Army since passing the above mentioned Ordinance as to render any further draughts for that purpose out of the Townships already Surveyed ~~both unnecessary and improper~~, Therefore,

Be it Ordained by the United States in Congress Assembled, that so much of the said Ordinance passed the twentieth day of May in the year one Thousand seven hundred and Eighty five, as ordains certain parts of the Townships therein directed to be Surveyed, to be drawn for in the name of the thirteen States respectively according to the Quotas in the last preceding requisition on all the States in order that the same might be sold by the Loan Officers in said States; And Also that part of the said Ordinance which directs that the Secretary at War shall take by Lot from the Townships when surveyed a Number of Townships and fractional parts of Townships for the use of the late continental Army, so far as the same respects future draughts for that purpose, shall be, and the same are hereby repealed.

And be it further Ordained that the board of Treasury proceed to the Sale of the three last ranges of Townships Surveyed in the Western Territory in the same manner, and upon the Same conditions and under the restrictions and limitations prescribed in the resolutions² of Congress of the twenty first of April last, except as to the place of Sale and daily continuance thereof, including in such Sales the parts thereof which by the Ordinance of the twentieth of May One Thousand seven hundred and Eighty five, were directed to be drawn for the late Army. And Also that the board of Treasury proceed to Sell Such parts of the first four ranges of Townships as they were directed to Sell by the resolutions of the twenty first of April last, which remain Unsold; That the said board be authorized to commence the Sale of the Lands Above directed to be sold, either at New York or Philadelphia; and may Adjourn such Sales from time to time to any part

¹ *Journals*, XXVIII, pp. 375-381.

² See *Journals*, vol. XXXII, p. 226.

or parts of the United States which they shall judge most proper for the purpose, untill the whole be sold.

That all grants or Sales which have been or may be made by the said board Agreeably to Any Resolution or order of Congress, Already, or which hereafter may be passed, shall be good and Valid, and fully entitle the purchaser or purchasers to An Absolute all the Right of the United States in and to the premises granted.

That the Secretary at War issue Warrants for bounties of Land to each of the Officers and Soldiers of the late continental Army who may be entitled to such bounties, or their respective Assigns or legal representatives, certifying therein the Regiment Corps or Company to which such Officer or Soldier belonged, with the time of his Service, and when discharged, together with the quantity of Land they may respectively be entitled to by former Acts of Congress with an Additional quantity of Acres to each Colonel and Lieutenant Colonel; Acres to each Major; Acres to each Captain; and Acres to each Non Commissioned Officer and Soldier, As a Compensation for their expences in locating the same.

That the Geographer by Warrant under his hand and Seal, Appoint One Surveyor to each of the two Tracts or districts of Land reserved and set apart for the purpose of Satisfying the Military bounties due to the late Army by the Act¹ of Congress of the twenty second of October last; Which Surveyor shall reside at, or as near to the district for which they may be respectively Appointed, as can be done with Safety, who, upon Application for that purpose from any person holding a Land Warrant issued as above mentioned, shall, at the expence of the Applicant first paid or secured, run out and Ascertain in the district for which he is appointed, the exact quantity of Land mentioned in such Warrant, the lines of which shall run East and West North and South, except at the extremity of the district where the same may bind upon a River; the first Survey so to be laid out in each district to be laid in one corner thereof, and every Succeeding Survey to be laid Adjoining the last Survey in such district, in such a manner that no interstices shall be left between Surveys, Always Observing as much regularity in laying each Survey compact, as the preceding Surveys will Admit of. That each Surveyor upon laying out any Tract, shall protract and lay the same down on a General Map to be kept and preserved, and shall Number each

¹ See *Journals*, vol. XXXIII, pp. 695-696.

Lot in the order they are Surveyed, which shall Also be in the order Warrants are presented for laying out. That each Surveyor upon the location of each Warrant, shall make out and deliver to the proprietor thereof a Survey of the Land laid out with a discription of the lines and boundaries thereof, Certified under his hand; first recording the same in a book to be kept for that purpose; And shall retain in his hands all Warrants by him laid out and Located, untill he can transmit the same to the board of Treasury, which he shall do within one Year after laying out the Land, certifying thereon under his hand that the same is Satisfied.

That the Surveyors to be appointed as herein before directed shall be entitled to receive for the Services enjoined upon them by this Ordinance, so much only as shall be Allowed and fixed by the Governor and Judges of the Western Territory and shall be liable to be displaced by the Geographer for Neglect of duty or other Misbehaviour, in which Case he shall supply any Vacancy so happening by a New Appointment.

That each Surveyor who may be appointed under this Ordinance, before he enters upon the duties of his Office, Shall take an Oath or Affirmation, that he will justly and truly execute the trust reposed in him as Surveyor of a district of Land in the Western Territory, According to the best of his Skill and Understanding without favour or partiality. Which Oath or Affirmation shall be taken before the Governor or either of the Judges of the Western Territory, or one of the Justices of the Supreme Court in either of the United States, and being duly Attested, shall be transmitted to the Secretary of Congress to be by him filed of record.

That the Maps and records before mentioned shall at all times be subject to the Orders of Congress to be removed or deposited wherever they shall direct.

That if any Officer or Soldier, or any Assignee or Grantee of either, shall desire to have their bounty of Land Allotted in the Townships or fractional parts thereof, lately drawn for the Army by the Secretary at War out of the first four ranges of Townships Surveyed West of the Ohio, and shall cause such his desire in Writing together with his Land Warrant to be deposited in the Office of the Secretary at War; the said Secretary when ever Warrants sufficient to cover the land so drawn shall be deposited in his Office for that purpose, shall cause the said Land to be divided Among such Applicants by Lot According to their respective Rights, for which Surveys shall be made out and

delivered to the Several Proprietors Signed by the Geographer of the United States; which Surveys shall be entered recorded in a book by the Geographer and Lodged in the Treasury Office.

And Whereas Several of the Soldiers of the late Continental Army have disposed of their bounties in Land without any formal Conveyance, or any kind of transfer other than delivering their Discharges to the Purchasers, Therefore,

Be it further Ordained that all legal discharges to the Non commissioned Officers and Soldiers, when produced to the Secretary at War; And also any Conveyance duly proved, from an Officer or Soldier for bounties of Land which shall be first produced to the said Secretary, shall in either case entitle the possessor of such discharge, or Grantee in such Conveyance, to receive a Warrant in his own name for the Land due to the Officer or Soldier Selling or transferring the Same; Saving however, to all Soldiers their just Rights to Land which may be located upon Warrants granted upon discharges produced, where a fraud in Obtaining such discharge shall be proved.

And Whereas the State of Virginia in their Deed of Cession to the United States reserved Such a quantity of Land on the North West side of the Ohio between the Rivers little Miami and Scioto as would make up the deficiency of certain Lands on the South East side of the Ohio, to Satisfie their grants to their Officers and Soldiers, which deficiency hath not been Ascertained to Congress, or any returns received from that State of the Amount of the land Located as bounties to their Troops on the South East side of the Ohio, or of the quantity of Land Appropriated in the State for that purpose; In Order therefore that such deficiency when Ascertained may be made good to the persons entitled thereto Agreeably to the Terms of the Cession, Be it further Ordained That the following Tract of Land be reserved to make good such deficiency, when the same shall be Ascertained. Beginning at the Mouth of the River Scioto and Running up the same the distance of Twenty five miles measured on a Streight line, thence West to the river little Miami, thence down the said Miami to the Ohio, thence up the Ohio to the beginning. That untill the Amount of the deficiency, if any, mentioned in the aforesaid Deed of Cession, shall be ascertained no locations whatever for that purpose, or on Account thereof, shall be made by any of the Officers or Soldiers of the Virginia Troops on the North West side of the Ohio; And All Locations which have been or may be made Under the Virginia Grants to their Troops North West of the Ohio before such

Ascertainment and untill it shall appear there will be a deficiency in the Land Assigned for their Troops on the South East side of the Ohio, shall be and are hereby declared Null and Void.

That the board of Treasury be Authorized to Sell and Convey the Whole or any part of the Lands between the Rivers little Miami and Scioto lying North of the Above reserved Tract Provided they sell no part thereof in parcels less than Acres each. That such Sales shall be for given quantities of Unlocated Lands within the Above limits, and shall be laid out and located at the expence of the Purchaser by a Surveyor to be appointed by the Geographer of the United States, who is hereby Authorized and directed to make such Appointment in the manner before directed for the Appointment of Surveyors to Locate Warrants to be granted to the Army; which Surveyor when Appointed, shall take the same Oath or Affirmation, be Subject to the like Rules, orders and restrictions, and in all respects transact the business for which he shall be appointed in the manner directed for locating the Warrants to be granted to the Army, excepting only, that he shall not retain the Conveyance given by the board of Treasury in the manner Land Warrants are to be retained.

Ordered That Monday next be assigned for the second, reading of the said Ordinance.

[Report of Board of Treasury on memorial of Rapalje and Woods ¹

The Board of Treasury to whom was referred the Memorial of Garret Rapalje and John Woods, proposing a Contract for the purchase of a Million of Acres of Land, in the Western Territory, on the same terms as have been determined on by Congress on the application of Royal Flint and Joseph Parker,

Beg leave to Report to Congress

That by the sixth Article of the Treaty ² concluded at the mouth of the great Miami on the thirty first day of January 1786, the Shawanese nation appear to have ceded all title or pretence of title to a District of Country, comprehending the tract for which the Memorialists, offer to contract.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 273-275, read March 19, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 475. The report was postponed on March 25 and debated and negatived on May 7, 1788. See March 12 and May 23, 1788.

² See *Journals*, vol. XXX, pp. 185-195.

Ascertainment and untill it shall appear there will be a deficiency in the Land Assigned for their Troops on the South East side of the Ohio, shall be and are hereby declared Null and Void.

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¹ *Papers of the Continental Congress*, No. 138, II, pp. 273-275, read March 19, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 475. The report was postponed on March 25 and debated and negatived on May 7, 1788. See March 12 and May 23, 1788.

² See *Journals*, vol. XXX, pp. 185-195.

That it does not appear to the Board that the cession of Country at the said Treaty, has been made by those Nations, which, in the contemplation of Congress had a Claim to the same; as the Act ¹ of that Honorable Body of the 18th March 1785, expressly directs the Commissioners to hold the Treaty of that year with the Potowatamies Twightees, Piankeshaws, and other Western Nations; none of whom appear to have attended the said Treaty.

That it is presumed by the Board that the Shawanese are not considered by the Indians as a Nation having any Claim of Territory; and of course, that their Act of Cession cannot be deemed of any Validity in extinguishing the Indian Title to the lands in question.

That, as the United States in Congress have directed a Treaty to be held in the present year for the purpose of quieting the discontents already prevailing amongst the Indian Tribes, and of giving greater security to the Frontier settlements; the Board submit to their Consideration whether it would be at present adviseable to make any Contracts for Western Lands, which are not comprehended, within the Treaty held at Fort M^eIntosh in the commencement of the year 1785; more especially as from the late encreased value of the Domestic Debt, and of its probable augmentation; there is great reason to fear that the Contracts already authorised by Congress cannot be complied with.

These Circumstances the Board esteem it their duty to suggest to the consideration of Congress. Should that Hon'ble Body be notwithstanding of opinion, that it would be adviseable to enter into the proposed negociation the Board submit to their consideration the following Resolve,

"That the Board of Treasury be authorised and directed to enter into a Contract with Garret Rapalje and John Woods for the sale of One Million of Acres of Land on the North side of the River Ohio and Westward of the Great Miami, and that in ascertaining the boundaries of the said Tract, and the Terms of the Contract they conform to the Act ² of Congress of the 23^d July 1787; and to the Conditions prescribed on the application of Royal Flint and Joseph Parker.

All which is humbly submitted.

March 18th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ See *Journals*, vol. XXVIII, pp. 172-173.

² See *Journals*, vol. XXXIII, pp. 399-401.

THURSDAY, MARCH 20, 1788.

Congress Assembled, present New Hampshire Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina and from New York M^r [Leonard] Gansevoort, from Delaware M^r [Dyre] Kearny, from Maryland M^r [David] Ross and from North Carolina M^r [James] White.

[Motion of Mr. Clark respecting T. H. Cushing¹]

Whereas it appears the Thomas H. C. an Officer in the late Massachusetts line of the late Army, was in his right of promotion app^{ea} by the State of Massach^s a Cap^t Lieu^t which Appointment having been forwarded to the Col^o of the Regim^t to which he belonged, was by the Col^o detained, by which means M^r Cushing never Obtained a Commiss^o agreeably to such Appointm^t and thereby was deprived of further promotion to the rank of Captain in the Army which he otherwise would have Obtained; but inasmuch as another Officer hath by these the Above means received from the Un. the emoluments of the Office, and M^r Cushing having neglected to seek his redress in a proper time to prevent such emoluments being received by another, the same whereupon

Resolved

[Report of Board of Treasury on memorial of J. Stevens²]

The Board of Treasury to whom was referred the Memorial of John Stevens, late a Captain in the Army of the United States

Beg leave to Report to Congress

That the Memorialist commanded a Company raised by the State of Connecticut, in the late War, for the service of the United States.

That in the month of May 1776, he was made a prisoner, and remained in Canada a considerable time, as a Hostage for the prisoners taken at the Capitulation of the Cedars; and appears not to have been exchanged till the month of February 1782.

¹ *Papers of the Continental Congress*, No. 19, I, p. 620, in the writing of Mr. Abraham Clark. See February 14, 15 and June 11, 1788.

² *Papers of the Continental Congress*, No. 138, II, pp. 405-408, read March 20, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 479. See February 25, 1788.

That on the 25th of May 1781, it was resolved¹ by Congress, "that Officers who were Hostages, and liable to be called for by the Enemy (though not in the line of the respective States) should be entitled to their full pay 'till redeemed; and to half Pay in the same manner with other Officers of equal Grade, and that it should be recommended to the several States to settle with them accordingly."

That the Memorialist appears to have applied to the State of Connecticut for the benefit of this Act, but without success; that the circumstances of his Claim was, on a reference, reported to Congress by the Commissioner of Army Accounts previous to the Expiration of the Period fixd for receiving Military Claims, agreeably to the Resolve² of the 2^d Nov^r 1785 and that in consequence, it was on the 7th of August 1786, recommended³ specially to the State, "to settle the Claim of Captain John Stevens for Pay and Depreciation as a Captain of a Company in the Connecticut line of the Army."

That on a second application from the Memorialist to the Legislature of the State of Connecticut to settle his Account of Pay and Depreciation, agreeably to the Act of Congress, above stated, it appears, that the same was rejected.

On the above circumstances the Board beg leave to observe, That although no precedent has yet been established, by which Congress have directed the Commissioner of Army Accounts to settle the Pay and Depreciation of Officers whose application to the States, in pursuance of the Recommendations of Congress have not been successful; yet that the Case of the Memorialist appears of so peculiar a nature, as, in the opinion, of this Board, to render it proper on the part of the United States, to extend that relief to him which was intended by their Acts of the 25th May 1781 and 7th August 1786; for which purpose they submit to the Consideration of Congress the following Resolve

That the Commissioner of Army Accounts be authorised and directed to settle the Pay and Depreciation of Captain John Stevens (a Hostage during the late War at the Capitulation of the Cedars) as a Captain of a Company in the Connecticut Line of the Army.

All which is most Humbly Submitted.

March 19th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Journals*, vol. XX, p. 541.

² *Journals*, vol. XXIX, p. 866.

³ *Journals*, vol. XXXI, p. 494.

[Letter of Secretary at War respecting burned stores¹]

WAR OFFICE *March 19th 1788.*

SIR: I am extremely sorry to inform Congress, that the most valuable part of the Ordnance Stores of the United States at Charlestown South Carolina have been destroyed by the conflagration of the State House at that place.

The enclosed extract of a letter just received from the person having charge of the Stores is all the information I have received relative to this unfortunate event.

The Muskets were generally out of repair, and a considerable proportion of them would not have repaid the expence of repairs.

The principal Stores which remain there are seventeen pieces of brass Ordnance, with a very defective supply of ammunition.

As the Stores are thus reduced and the public not in a situation to establish any considerable Arsenal in South Carolina at present, I submit to the consideration of Congress the propriety of delivering, the Cannon and their apparatus to the executive government of South Carolina, on condition of their being returned, when demanded by Congress, or the Secretary at War.

By this arrangement the expence of a Store keeper will be saved to the public, and I presume the Cannon may be as ready for the purposes of the United States, as they will probably be under the present circumstances.

I have the Honor to be, etc.,

H KNOX²

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, III, pp. 153-154, read March 20. The enclosed extract is on p. 149. See March 24 and July 28, 1788.

² MARCH 20, 1788. According to indorsement was read a memorial of Anne Louis De Toussard, December 31, 1787, respecting unpaid pension. *Papers of the Continental Congress*, No. 78, XXII, pp. 355-357. Another copy, transmitted by the Secretary at War, is on pp. 365-367. A translation of the French authentication is on p. 359. A letter of De Toussard to [the President of Congress], December 28, 1787, in French, is on pp. 361-362, with translation on p. 369. See March 24, 1788.

MONDAY, MARCH 24, 1788.

Congress Assembled, present, New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania Virginia and South Carolina and from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross and from North Carolina M^r [James] White.

A supplement to an Ordinance, entitled An Ordinance for ascertaining the mode of disposing of lands in the western territory was read a second time.¹

Ordered, That the consideration of the said ordinance supplement be postponed until tomorrow.

[Report of Secretary of Congress on Sundry letters and petitions²]

Monday March 24th 1788

That the letter³ of March 14th Inst from the Governor of the Western territory, and the papers enclosed, containing Intelligence from the Indian Nations; and from which the Gov^t has suggested the propriety of making some alterations in the Instructions for holding the ensuing treaty and letter ⁴of March 11th Inst from the Superintendent of Indian Affairs for the northern Department respecting the most eligible posts for the troops of the United States, be referred to the Sec^y at War to report.

That the letter⁵ March 19th Inst from the Sec^y at War, respecting Ordnance stores burned at Charleston and the mode of disposing of those which remain in charge of the Commissary of Military stores at that place, be referred to the Sec^y at War to report.

¹ See March 19, 1788 for first reading. See also March 25 and July 9, 1788.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, between pp. 70 and 71, in the writing of Roger Alden. According to the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 187-188, the letters and petitions were referred in conformity with the report.

³ See March 18, 1788. Report rendered May 2 and acted on July 2, 1788. See also May 15 and 20, 1788.

⁴ See March 18, 1788. Report rendered May 5, 1788.

⁵ See March 20, 1788. Report rendered July 28, 1788.

That the Petition¹ of John Cleve Symmes Esq^r requesting that the
 Islands in the little and great Miami, contiguous to
 the grant made to him, may be included in the general
 survey and comprehended in his purchase, be referred to the Board of
 treasury to report.

That the Petition² of Hannah Pierce, by Obadiah Gore, her Attor-
 ney, for obtaining the half pay promised to the Wid-
 ows of deceased Officers by Act of Congress of Aug^t
 24th 1780, be referred to the Board of treasury to report.

That an Extract of Letter³ Dec^r 31st 1787 from M. De Tousard
 so far as relates to the Arrears due to him, on the
 annual pension granted to him Oct. 27th 1778, be
 referred to the Board of treasury.

[Letter of Secretary for Foreign Affairs respecting R. Lawrence⁴]

OFFICE FOR FOREIGN AFFAIRS

20th March 1788

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, a Letter⁵ of the 10th Novem^r last from Sir John Temple with the Papers it enclosed. My Sickness, and the Recess of Congress prevented my paying early Attention to this Letter. I have had some informal Conferences with Sir John on the Subject, and having communicated to him what I had learned of the Facts and Transactions alluded to, I was in Hopes the Matter would have passed off in that Way. But it seems his Orders to make the Application to Congress are peremptory, and that Circumstance presses him to do it, notwithstanding the Obstacles interposed by the Nature of his Commission.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ Received March 18, 1788.

² Received March 20, 1788. Report rendered May 30, 1788.

³ See March 20 and 26, 1788.

⁴ *Papers of the Continental Congress*, No. 80, III, pp. 454-455, read March 24, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 187, this letter and enclosed papers were referred to the Secretary for Foreign Affairs to report. Report rendered May 28. See June 13, 1788.

⁵ *Papers of the Continental Congress*, No. 92, pp. 524-525. The petition of Lawrence is on pp. 527-529, with accompanying documents on pp. 530-531.

TUESDAY, MARCH 25, 1788.

Congress Assembled, present as before.

Agreeably to order Congress proceeded to the consideration of the supplement to the land Ordinance¹ and not having gone through the same adjourned till tomorrow.

[Motions for Amendment to land ordinance²]

A

~~certifying therein~~ [or station in which such officer or soldier had served] the rank of each officer and the line, ~~Reg^t corps or Comp^y~~
~~to which the officer~~

~~Rank, general officer and to each,~~

And shall be in squares unless restrained by lines of former ~~locations~~
surveys.

And no survey shall contain less than 64,000 Acres.

[Report of Secretary at War on memorial of J. Story³]

The Secretary of the United States for the department of War to whom was referred the memorial of John Story,

Reports,

That the enclosed copy of said memorial was not received until two days past, owing to the absence of the memorialist and other causes.

That it appears that the said John Story acted as a volunteer aid-de-camp for some time during the late war, to the late Major General Lord Stirling.

That for the service of volunteer aids de camp, no pay nor emoluments of any kind have been stipulated or allowed. M^r Story there-

¹ See March 24, 26 and July 9, 1788.

² *Papers of the Continental Congress*, No. 59, III, pp. 467 and 470. The first three clauses are in the writing of Mr. Dyre Kearny and the second two in another hand. The indorsement by Roger Alden dates these motions March 25 and 26, with no indication which were agreed to on each day.

³ *Papers of the Continental Congress*, No. 151, p. 327, read March 25, 1788. A letter of J. Story to Mr. Stephen Mix Mitchell, March 25, 1788, respecting his claim, is in *Papers of the Continental Congress*, No. 41, IX, pp. 313-316. See February 1, March 12, and September 5, 1788. According to *Reports of Committees*, *Papers of the Continental Congress*, No. 189, p. 34, this report was filed.

fore cannot consistently with the practice in such cases receive any rewards for the service he performed as volunteer aid-de-camp.

All which is humbly submitted.

H KNOX

WAR OFFICE.

March 11th 1788

[Report of Secretary at War on Fort M^e Intosh¹]

The Secretary of the United States for the department of War to whom was referred an extract of a letter dated January 10th 1788 from Brigadier General Harmar respecting Fort M^e Intosh

Reports;

That the situation of Fort M^e Intosh has been estimated of considerable importance in a defensive system for the frontiers.

That for the troops to abandon the position entirely, at a time when the people of the frontiers are apprehensive of an indian war, would be politically injurious in the minds of the inhabitants who conceive themselves protected thereby.

That this circumstance, and the probability of occupying the Big Beaver Creek, as a communication to Cayahoga river and lake Erie, induce your Secretary to be of opinion, that it would be proper to construct a block house for the present in the vicinity of Fort M^e Intosh, and to garrison the same by a party of an officer and fifteen or twenty men. That Fort M^e Intosh should be dismantled and demolished, and the materials disposed of for the public service in such a manner as the commanding officer may think proper.

Your Secretary conformably to this opinion submits the following resolve to Congress

Resolved, That the Secretary at War direct the commanding officer to erect a block house, in the vicinity of Fort M^e Intosh, and place a suitable garrison therein, and that he dismantle and demolish Fort M^e Intosh, and dispose of the materials thereof in the manner most conducive to the public service.

H KNOX

WAR OFFICE,

March 20th 1788.

¹ *Papers of the Continental Congress*, No. 151, pp. 331-332, read March 25, 1788. See March 18 and 27, 1788.

[Report of Secretary for Foreign Affairs on complaint of Minister of United Netherlands¹]

OFFICE FOR FOREIGN AFFAIRS

24th March 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Letter² to him of the 18th December last from the Minister plenipotentiary of the United Netherlands, Reports,

That in this Letter the Minister complains, that one of his Domestics had been arrested by a Constable of this City named John Wessel, in pursuance of a Warrant issued by John Wiley Esq^r one of the Alderman of the same.

That on the 4th January last he wrote the following Letter on the Subject to the Mayor of the City, Viz^t

"OFFICE FOR FOREIGN AFFAIRS

4th January 1788

SIR: The Paper herewith enclosed is a Translation of a Letter in french dated the 18th ult. which I received from the Minister of the United Netherlands shortly before I returned to Town, the Day before Yesterday.

As the Aggression of which he complains, is not the first of the kind which that Minister has experienced during his Residence here, he feels it very sensibly.

I think it my Duty, Sir, to lay this Matter before you that proper Measures may be taken to satisfy the Minister, and to prevent the like Improprieties in future.

I have the Honor to be, etca.,

(signed) JOHN JAY.

The Honorable JAMES DUANE Esq^r

Mayor of the City of New York"

That in Answer to this he received the following, Viz^t

"OFFICE OF MAYORALTY

7th January 1788

SIR: Yesterday I had the Honor of your Favor, enclosing a Copy of the Honorable M^r Van Berckel's Complaint of a Violation of his Privileges, as the Minister at this Court for the United Netherlands.

¹ *Papers of the Continental Congress*, No. 81, III, pp. 51-55, read March 25, 1788. See August 13, 1788.

² See February 1 and May 2, 1788.

I am now engaged in the Mayor's Court which fully employs my Time and Attention, the Recorder who only could relieve me being absent. As soon as the Term ends I shall hope for a Conference with you on the Subject. In the mean Time I shall apprize Alderman Wiley of the Accusation, and recommend to him Conciliation, that we may be extricated from a Controversy which, if it becomes serious, cannot fail of proving highly disagreeable perhaps disgraceful to a City with the Police of which I am so intimately connected.

I have the Honor to be &ca.,

(signed) JA: DUANE.

Honorable JOHN JAY Esq^r

Secretary for foreign Affairs"

That on the 10th of the same Month he wrote to the Minister as follows, Viz^t

"NEW YORK 10th January 1788

SIR: The Letter you did me the Honor to write on the 18th Day of December last was transmitted to me whilst in the Country.

On my Return to Town I wrote a Letter on the Subject of it to the Honorable M^r Duane, and enclosed a Translation of your Letter; for as the Aggression complained of was committed in this City, it appeared to me proper that the Circumstances should be made known to its first Magistrate, in Order that Measures might be immediately taken, both for your Satisfaction and to prevent the like Improperities in future.

The Mayor received the Application in the Manner becoming his Character and Office; but his whole Time being engaged by the Mayor's Court which is now sitting, a Day or two must elapse before it will be in my Power to give you any more particular Information on the Subject.

I exceedingly regret that you should experience the least cause of Complaint from any of our Citizens. The present Instance doubtless originated in Ignorance, not in Design; but still as your official Rights were infringed, it is highly proper not only that you should assert them but that proper Satisfaction be given you on that Head.

I have the Honor to be &ca.,

(signed) JOHN JAY

The Honorable

THE MINISTER OF THE UNITED NETHERLANDS"

That he has since had sundry Conferences with the Mayor on the Subject, and that the Mayor appeared willing and desirous to do what might be right on the Occasion.

That the necessary Absence of the Mayor and Recorder, who were obliged to attend the Legislature at Poughkeepsie, has subjected the Progress of this Business to Delays, which he explained to the Minister in a Manner which he had Reason to think satisfactory.

That he was induced to be at the Trouble of these informal Measures, in Hopes of being able to conclude the Business without the Interference of the national Government, which in his Opinion would tend to give it a greater Degree of Importance than it appeared to him to merit.

That he nevertheless conceived it to be his Duty to inform Congress precisely of what had happened and been done, and therefore made the written Communications to them, which form the Subject of the Reference in Question.

That the foederal Government does not appear to him to be vested with any judicial Powers competent to the Cognizance and Judgment of such Cases, and therefore in his Opinion Congress can in the first Place only

Resolve that a Copy of the said Letter be transmitted to his Excellency the Governor of the State of New York, to the End that such judicial Proceedings may be had on the Complaint stated in it, as Justice and the Laws of Nations may require.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

[Report of Secretary for Foreign Affairs on the sloop *America* ¹]

OFFICE FOR FOREIGN AFFAIRS

25th March 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred his Letter of the 7th March Ins^t with two Letters, both dated the 5th of last Month, one of which is from the Honorable David Howell Esq^r and the other from Mess^{rs} Clark and Nightingale, together with the Papers which accompanied them,

¹ *Papers of the Continental Congress*, No. 81, III, pp. 59-61, read March 25, 1788. See March 12 and 27, and May 21, 1788.

Reports,

That from these Letters and Papers it appears that a Sloop called the *America*, commanded by a Captain Bailey and belonging to Mess^{rs} Clark and Nightingale of the State of Rhode Island, being at Turks Island, did obtain Permission in Writing, dated 24th November 1786, from Andrew Symmer the Commander there, to take on board 1200 Bushels of Salt, and any other Product of that Island not prohibited by Act of Parliament.

That on the 25th November 1786 he took in about 350 Bushels of Salt, and was then seized by Captain Drysdal of the Vigilant Tender in the Service of the Custom House of his britannic Majesty, and carried to New-Providence, where she was libelled and condemned, the Captain not being able to prevail on any of the Gentlemen of the Law to appear in his Defence.

That if the Facts stated in these Papers are well founded, the Captain and his Owners have much Reason to complain of uncandid and unjust Treatment.

As to the Sentence and Decree of the Court of Admiralty, the Defendants must pursue their Remedy by Appeal in the accustomed Manner, and therefore in this Stage of the Business, your Secretary conceives that Congress cannot with Propriety interpose on the Principle that the Court has done wrong.

But as there is Reason to suspect that there was Collusion between the Commander at Turks Island who gave the Permit to take in the Salt, and Captain Drysdal who seized the Sloop for so doing; and as from the Refusal of the Lawyers at Providence to be concerned against such Seizures, it seems as if the Influence of the King's Officers there was exerted in a Manner little consistent with the Honor and Justice of the Nation, your Secretary thinks it would be useful to the commercial Interests of the United States to cause his britannic Majesty to be well informed of these Facts.

But as before any Dispatches from hence can reach Britain, it is highly probable that M^r Adams will have left it, and as Congress have not thought it advisable to appoint a Successor to him, nor to charge any Person with their Affairs there, your Secretary cannot think of any other Order or Resolution that would be proper to take on the Application in Question, than that your Secretary should be directed to return the said Papers and Documents to Mess^{rs} Clark and Nightingale, and inform them, that as a Way for Redress remains open to

them by Appeal in the ordinary course of judicial Proceedings, it would be improper for Congress to interpose at present.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

WEDNESDAY, MARCH 26, 1788.

Congress Assembled present, New Hampshire Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina and from New York M^r [Leonard] Gansevoort, from Delaware M^r [Dyre] Kearney from Maryland M^r [David] Ross and from North Carolina M^r [James] White.

Congress resumed the consideration of the supplement to the land Ordinance² and not having finished the same, adjourned till tomorrow.

[Letter of Secretary at War transmitting a memorial³]

WAR OFFICE,
March 26th 1788

SIR: I have the honor to transmit to your Excellency, a memorial from lieutenant colonel Tousard, requesting payment of the arrearages of the pension, directed to be paid to him, by the resolve of Congress of October 27th 1778.

¹ MARCH 25, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 188, the following was referred to the Board of Treasury to report:

Letter of John May to President of Congress, January 15, 1788, respecting bills of exchange drawn on Turnbull, Marmie and Co., which were protested. *Papers of the Continental Congress*, No. 78, XVI, pp. 537-539, read March 25, 1788. The protested bill is on p. 541. Report rendered May 7, 1788.

According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 34, the committee on the award of the referees in the matter of contractors (Roosevelt's letter) reported, but the report was not read. It is stated that the report was acted on June 11 and that it was filed with reports of the committees on the Treasury Department. See February 29, 1788.

According to indorsement the report of the Board of Treasury on the memorial of Rapalje and Woods was postponed. See March 19 and May 7, 1788.

² See March 25, 27 and July 9, 1788.

³ *Papers of the Continental Congress*, No. 150, III, p. 157, read March 26, 1788. See March 24, 1788.

This gentleman, who is at Cape Francois, has empowered M^r Otto to receive his arrearages, and remit the same to him.

I have the honor to be, etc.,

H KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, MARCH 27, 1788.

Congress Assembled, present as before.

On a report¹ of the Secretary at War, to whom was referred an Extract of a letter² dated Jan^y 10th 1788 from Brigadier General Harmar respecting Fort M^c Intosh,

Resolved, That the Secretary at War direct the commanding Officer to erect a block House in the vicinity of fort M^c Intosh, and place a suitable garrison therein, and that he dismantle and demolish Fort M^c Intosh, and dispose of the Materials thereof in the manner most conducive to the public service.

Congress proceeded to a farther consideration of the supplement to the land Ordinance,³ and after debate thereon, adjourned till Monday next.

[Report of Board of Treasury on memorial of Mary Vance⁴]

The Board of Treasury to whom was referred the Memorial of Mary Vance, Administratrix of the Estate of Joseph Curry dec^d

Beg leave to Report

That the Memorialist states, "that her Son Joseph Curry, now deceased, entered into the service of the United States early in the late War, in quality of a Steward and Commissary in the Hospital Department, and continued in that capacity till his death, in the Month of December 1780.

¹ See March 25, 1788.

² See March 18, 1788.

³ See March 26, May 26, and July 9, 1788.

⁴ *Papers of the Continental Congress*, No. 138, II, pp. 463-465, read March 27, 1788. The memorial was withdrawn by consent on March 27 and papers delivered to Mr. Clark, April 2, 1788. See March 15, 1787.

"That, in consequence of the recommendation of Congress, the Legislature of the State of New Jersey (of which her deceased son was a native) past an Act to make up the Depretiation of pay to such of their Citizens as had served in the Hospital Department of the United States; which Act the Memorialist states, has been repealed, after the claim of her deceased son had been duly audited, and previous to the issue of the State Treasurers Certificate, as usual in such cases; and that she is therefore constrained to have recourse for relief in the premises to the justice of the United States."

On the above Memorial, we beg leave to observe, that as it appears to the Board from a report on this Claim by the Commissioner for settling the accounts of the Hospital Department, that the State of New Jersey has actually settled the accounts of such of her Citizens as were entitled to the depretiation of pay, it must be presumed that there are causes, which have obstructed the settlement of the Claim of the Memorialist, of which this Board are at present ignorant.

They therefore beg leave to suggest, whether it might not be proper, previous to any determination on this Memorial, that Congress should obtain Official information, from the State of New Jersey, whether the Acts past by that State for making up the depretiation of pay, agreeably to the resolves of Congress have been repealed previous to the complete execution of the same; and in such case, of the reasons, which may have induced this measure.

From the result of this enquiry, Congress will be able to determine how far it might be proper to extend relief to persons, who in consequence of the repeal of the Law above mentioned, may have been deprived of that compensation to which by the resolves of Congress they were respectively entitled.

All which is humbly submitted.

March 27th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE ¹

¹ MARCH 27, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 188, the following committees were appointed:

Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White on a report on an address of the inhabitants of St. Vincents and Illinois and a petition of those inhabitants by their agent Mr. Tardiveau, dated March 18, 1788, together with the papers accompanying it. Report rendered May 5, 1788. See February 12, 13, 22 and 25, March 6 and 18, 1788. See also June 26, 1788.

MONDAY, MARCH 31, 1788.

Six States only attending, namely New Hampshire Massachusetts, Connecticut, Pennsylvania, Virginia and South Carolina, and from New York M^r [Leonard] Gansevoort from New Jersey M^r [Abraham] Clark, from Delaware M^r [Dyre] Kearney from Maryland M^r [David] Ross, from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin, the President adjourned Congress to 11 °Clock tomorrow.

TUESDAY, APRIL 1, 1788.

Six States only attending, namely New Hampshire, Massachusetts, New Jersey, Pennsylvania, Virginia and South Carolina, and from Connecticut M^r [Stephen Mix] Mitchel from New York M^r [Leonard] Gansevoort, from Delaware M^r [Dyre] Kearney, from Maryland M^r [David] Ross, from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin the President adjourned Congress to 11 °Clock tomorrow.

WEDNESDAY, APRIL 2, 1788.

Four States only attending, namely New Hampshire Massachusetts, New Jersey and Virginia and from Connecticut M^r [Stephen Mix] Mitchel, from Pennsylvania M^r [William] Irvine, from Delaware M^r [Dyre] Kearney, from Maryland M^r [David] Ross, from North Carolina M^r [James] White,

Mr. Jonathan Dayton, Mr. Jeremiah Wadsworth, Mr. Nathan Dane, Mr. John Brown and Mr. Thomas Tudor Tucker on an ordinance for regulating the post office and a motion of Mr. Dayton respecting mails. For this draft of the ordinance, see February 14, 1787 (*Journals*, vol. XXXII, pp. 46-56). This was a renewal of the committee of February 20, 1788.

Mr. Stephen Mix Mitchell, Mr. Nathan Dane, Mr. Dyre Kearny, Mr. Thomas Tudor Tucker and Mr. Samuel Allyne Otis on a report of the Secretary for Foreign Affairs on letters from David Howell and Messrs. Clark and Nightingale, respecting the sloop America. This committee was discharged May 21, 1788. See March 25, 1788.

from South Carolina M^r [John] Parker and from Georgia M^r [Abraham] Baldwin, the President adjourned Congress to 11 °Clock tomorrow.

THURSDAY, APRIL 3, 1788.

Six States attending, namely New Hampshire Massachusetts, New Jersey, Pennsylvania Virginia and South Carolina, and from Connecticut M^r [Stephen Mix] Mitchell from New York M^r [Leonard] Gansevoort, from Delaware M^r [Dyre] Kearney, from Maryland M^r [David] Ross, from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin the President adjourned Congress to 11 °Clock tomorrow.

FRIDAY, APRIL 4, 1788.

The same as before.

SATURDAY, APRIL 5, 1788.

The same as before.

MONDAY, APRIL 7, 1788.

Five States only attending, namely New Hampshire Massachusetts, Pennsylvania Virginia and South Carolina, and from Connecticut M^r [Stephen Mix] Mitchell, from New York M^r [Leonard] Gansevoort, from New Jersey M^r [Abraham] Clark, from Delaware M^r [Dyre] Kearny, from Maryland M^r [David] Ross, from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin, the President adjourned Congress, till 11 °Clock tomorrow.

TUESDAY, APRIL 8, 1788.

Four States only attending, namely New Hampshire Massachusetts, Virginia and South Carolina, and from Connecticut M^r [Stephen Mix] Mitchel, from New Jersey M^r [Abraham] Clark, from Pennsylvania M^r [William] Irvine,

from Delaware M^r [Dyre] Kearney, from Maryland M^r [David] Ross from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin, the President adjourned Congress till eleven o'clock tomorrow.

¹ FRIDAY, APRIL 18, 1788.

During the course of this week only six states attended namely New Hampshire Massachusetts New Jersey Pennsylvania Virginia and South Carolina and from Connecticut M^r [Stephn Mix] Mitchel from New York M^r [Leonard] Gansevoort from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin.

SATURDAY, APRIL 26, 1788.

During the course of this week four states attended namely New Hampshire Massachusetts Virginia and South Carolina and from Connecticut M^r [Stephn Mix] Mitchel from New York M^r [Leonard] Gansevoort from Pennsylvania M^r [William] Irvine from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross from North Carolina M^r [James] White and from Georgia M^r [Abraham] Baldwin.

MONDAY, APRIL 28, 1788.

Five states attended Namely New Hampshire Massachusetts Maryland Virginia and South Carolina and from Connecticut M^r [Stephn Mix] Mitchel from New York M^r [Leonard] Gansevoort from Pennsylvania M^r [William] Irvine from Delaware M^r Kearny and from Georgia M^r [Abraham] Baldwin.

M^r Joshua Seney² a delegate from Maryland took his seat.

¹ Charles Thomson resumes the entry.

² For credentials of Mr. Seney, see January 21, 1788.

TUESDAY, APRIL 29, 1788.

The same as yesterday and from New Jersey M^r [Jonathan] Dayton.

WEDNESDAY, APRIL 30, 1788.

Six states attended namely New Hampshire Massachusetts Pennsylvania Maryland Virginia and South Carolina and from Connecticut M^r [Stephen Mix] Mitchel from New York M^r [Leonard] Gansevoort from Delaware M^r [Dyre] Kearny and from Georgia M^r [Abraham] Baldwin.

THURSDAY, MAY 1, 1788.

Six states attended namely New hampshire Massachusetts New Jersey Maryland Virginia and South Carolina and from Connecticut M^r [Stephen Mix] Mitchell from Pennsylvania M^r [William] Irvine from Delaware M^r [Dyre] Kearny and from Georgia M^r [Abraham] Baldwin.

FRIDAY, MAY 2, 1788.

Congress assembled present New hampshire Massachusetts New Jersey, Pennsylvania Maryland Virginia and South Carolina and from Connecticut M^r [Stephen Mix] Mitchel, from New York M^r [Leonard] Gansevoort from Delaware M^r [Dyre] Kearny and from Georgia M^r [Abraham] Baldwin.

[Report of Board of Treasury on memorial of W. Gardner ¹]

The Board of Treasury to whom was referred the Memorial of W^m Gardner

Beg leave to Report

That although the case stated by the Memorialist is confirmed by the Commissioner of Accounts for the Clothing Department it is with regret the Board observe it is by no means singular; for that numerous instances occur daily, where private Credit has been

¹ *Papers of the Continental Congress*, No. 138, I. pp. 529-530, read May 2, 1788. See August 2, 1787, May 5, July 11 and 15, 1788.

obliged to support that of the Public during the late War, to the great Injury of the parties.

That the sum which the Memorialist prays may be paid to him out of the Requisitions due from the State of New Hampshire has been already included in a Certificate issued to him at the settlement of the General Balance of his Account, and that it would be therefore, improper, in the opinion of this Board to pay to any Individual in Specie, any part of his Capital in the Domestic Debt, whilst the Creditors at large are obliged to receive paper for their Interest. Under these circumstances the Board submit to the consideration of Congress the following Resolve,

That the prayer of the Memorial of William Gardner cannot be complied with.

All which is humbly submitted

10th April 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Board of Treasury on petition of M. Faunt Le Rey ¹]

The Board of Treasury to whom was referred the Petition of Moore Faunt Le Ray late a Major in the Regiment of Light Dragoons, Commanded by Col. Stephen Moylan

Beg leave to Report.

That the Petitioner stands charged with the Sum of Three thousand Dollars, received by him from the Military Chest in the year 1777, which sum he alledges to have laid out for the recruiting and equipping the Troop, which he commanded during the War, in the Fourth Regiment of Light Dragoons commanded by that Officer; and that he had delivered up the Accounts and Vouchers of his disbursements in the year 1779, to Col. Moylan who had neglected to return the same to the Pay Office.

That it is stated to this Board by the Commissioner of Army Accounts that Col. Moylan had received from the United States sundry sums for the use of his Regiment, for the expenditure of which he had rendered no accounts, although frequently applied to for the

¹ *Papers of the Continental Congress*, No. 138, I, pp. 389-392, read May 2, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 491. See March 6 and May 6, 1788.

purpose; and that this neglect has induced the Commissioner, in the Settlement of the Accounts of the Officers of his Regiment to make Stoppages, in order to cover any balance which might be due from them on account of advances received from Colonel Moylan.

On the above Memorial; the Board beg leave to observe that it would be improper to attempt any redress of the grievance complained of by the Memorialist, before Col. Moylan has rendered his Accounts and Vouchers of the Advances made by him to the Officers of his Regiment; more especially as the Petitioner has it in his power to bring Col^o Moylan to Account by legal process provided he can sufficiently establish the delivery of his accounts and vouchers, as stated in his Memorial.

They are further of opinion that the Commissioner of Army Accounts should, without delay, take the necessary measures for bringing Colonel Moylan to account for the sums advanced to him, in order that Justice may be done to the United States as well as the Officers of his Regiment, whose Accounts through his neglect are still open.

Under these circumstances, they submit to the consideration of Congress the following Resolve,

That the petition of Moore Faunt Le Rey together with the Report of the Board of Treasury on the same, be referred to the Commissioner of Army Accounts to take Order.

All which is humbly submitted

April 12th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letters of Board of Treasury respecting Dutch loan]

BOARD OF TREASURY
April 17th 1788¹

SIR: We have the honor of Enclosing to your Excellency for the Consideration of Congress, an Extract of a Letter² received by the last Vessels from Europe, from the Commissioners of Loans, in Amsterdam. As the Proposition contained in this Letter is of a

¹ *Papers of the Continental Congress*, No. 140, II, p. 491, read May 2, 1788. See May 5 and June 3, 1788.

² *Papers of the Continental Congress*, No. 140, II, pp. 496-501. Letter from Willinks and van Staphorst to Board of Treasury, January 18, 1788.

Nature so Extraordinary, as not to justify an Acquiescence on the Part of the Board without the Express Authority of Congress, we request the Favor of your Excellency to obtain the Determination of that honorable Body, as soon as possible, that we may signify it to the Commissioners. A Vessel will sail for Amsterdam in a few days; and Unless we should receive the Directions of Congress to agree to the Proposals of those Gentlemen, we shall Esteem it incumbent on us to disapprove of the Terms suggested in their Letter. We have the honor to be with great Respect, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

To His Excellency the
PRESIDENT OF CONGRESS.

BOARD OF TREASURY
*April 21st 1788*¹

SIR: We have the honor of Enclosing to your Excellency for the Information of Congress a Letter ² of the 7th of February last, which came to hand by the French Pacquet. It relates to the same Subject as the Letter of the Dutch Commissioners which we had the honor of transmitting to your Excellency on the 17th Instant.

We have the honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excellency,
THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 140, II, p. 505, read May 2, 1788. See May 5, 1788.

² Thomas Jefferson to the Board of Treasury, *Papers of the Continental Congress*, No. 140, II, pp. 509-514 (copy).

May, 1788

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[Letter of Board of Treasury on government expenses ¹]

BOARD OF TREASURY

April 22^d 1788

SIR: We have the Honor of transmitting to your Excellency the Register's Statement ² of the Receipts, and Expenditures of the Treasury to the Close of the last Year, and an Abstract ³ of the State of the Treasury for the Months of January, and February last.

We have the Honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Secretary at War on petition of Captain Vincent ⁴]

The Secretary of the United States for the department of War to whom was referred the petition of Captain Vincent a Huron Indian Reports

That the papers respecting Captain Vincent were at the latter end of August last presented to your Secretary at a time when Congress were not assembled. That he examined into the claims of the said Captain Vincent and found that his legal claims were adjusted but

¹ *Papers of the Continental Congress*, No. 140, II, p. 521, read May 2, 1788.

² The several statements, prepared by Joseph Nourse, dated January 1, 1788 are in *Papers of the Continental Congress*, No. 141, II, on the pages as indicated, as follows: (a) General account of Receipts and Expenditures (No. 14.) from 1st October to 31st December, 1787, pp. 479-480. This is supported by no. 1, Expenditures of the Civil List, pp. 502-508; no. 2, Expenditures in the Paymaster General's Department, p. 511; no. 3, Expenditures for subsistence of the Army, p. 515; no. 4, Expenditures of the Quarter Master General's Department, p. 513; no. 5, Expenditures of the Hospital Department, p. 517; no. 6, Expenditures of the Marine, p. 519; no. 7, Expenditures for Indian Affairs, p. 521; no. 8, Expenditures for Pensions, Annuities and Grants, p. 523; and no. 9, Expenditures for Contingencies, p. 525. (b) General Account of Taxes (No. 14) from 1st October to 31st December 1787, pp. 491-493. (c) Schedule of the Requisitions on the several States (a printed form, with the assigned quotas printed and the amounts paid and balances due written in by hand), pp. 483-484. (d) Account of Willink and van Staphorst, pp. 487-488.

³ *Papers of the Continental Congress*, No. 141, II, pp. 497 and 501.

⁴ *Papers of the Continental Congress*, No. 151, p. 311, read May 2, 1788. Referred to the Secretary at War to take order. See October 26, 1787.

that he claimed for undefined and casual services which were most probably compensated at the time they were performed.

That your Secretary persuaded the said Captain Vincent to return to his own Country again giving him a gun powder and lead and paying his expences while in the city of New York.

That Congress having no lands on Lake Champlain cannot give any to the said Vincent. But should Congress think proper they will direct that he be furnished with provisions on Lake Champlain as long as the Canadians shall continue to be furnished. Being both aged and infirm he would be comprehended within the description of Canadians who are to be supplied with one years provisions. His services may also entitle him to a suit of clothes.

On this principle the following resolution is submitted

Resolved That the Secretary at War direct Captain John Vincent a Huron indian who rendered services to the United States during the late War to be furnished with rations in the same manner as the Canadian refugees on Lake Champlain are furnished and also a suit of clothes.

H KNOX

WAR OFFICE

October 27, 1787

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of the Secretary at War on Indian affairs ¹]

The Secretary of the United States for the department of war, to whom was referred a letter ² of the 14th of March 1788, from the Governor of the Western territory,

Reports,

That the confederation of a large number of tribes of Indians, to oppose the settlement of the lands, North of the river Ohio, is a subject of great importance, and seriously claims the attention of the United States.

That the said tribes of Indians have expressed the highest disgust, at the principle of conquest, which has been specified to them, as the basis of their treaties with the United States, and in consequence

¹ *Papers of the Continental Congress*, No. 151, pp. 343-346, read May 2, 1788. See March 24, May 15, 20 and July 2, 1788.

² See March 18, 1788.

of which, the limits of their hunting grounds and territory, have been circumscribed and defined.

That the practice of the British government, and most of the Northern colonies previously to the late war, of purchasing the right of the soil of the Indians, and receiving a deed of sale and conveyance of the same, is the only mode of alienating their lands, to which they will peaceably accede.

That to attempt to establish a right to the lands claimed by the Indians, by virtue of an implied conquest, will require the constant employment of a large body of troops, or the utter extirpation of the indians. That circumstanced as they are at present, being in alliance with, and favorably treated by, the British government, the doctrine of conquest is so repugnant to their feelings, that rather than submit thereto, they would prefer continual war.

That the principle of waging war for an object which may be obtained by a treaty, is justly to be questioned.

That at the ensuing treaty, it is highly probable, the indians will, in the first instance, object to the right of the United States to the country North of the Ohio. If the Commissioners, who are to hold the treaty, are bound by instructions to adhere rigidly to the principle of conquest, and the limits of territory stated at the former treaties, an abrupt departure of the Indians, and hostilities in consequence thereof, may be expected.

Your Secretary humbly apprehends that the United States may conform to the modes and customs of the indians in the disposal of their lands, without the least injury to the national dignity. Were an opposition to the custom of the indians in this respect to be a material part of national character, it would not be highly estimated in the opinion of the world.

But, your Secretary conceives that the Commissioners may negotiate an extinguishment of the indian claims, to the territory described by former treaties, and perhaps to the further extension defined in the instructions to the Governor of the Western territory, without calling in question the validity of the said treaties. In case of a new purchase, or the modification of the former boundaries, a sum of money may be given according to the indian custom, on the chiefs signing the deeds in the usual form.

As an extensive indian war in the present political crisis, and with an exhausted treasury, would be an event pregnant with unlimited

evil, your Secretary submits, with all deference, the consideration of the propriety of so modifying the instructions to the Governor of the Western territory, and the Superintendant of Indian Affairs, as to admit of their extinguishing, by purchase, the indian claims to the Western country, described in the former treaties, with such additions, as the said commissioners shall be able to effect.

That the sum to be given, for the complete extinguishment of the indian claims to the said country, be limited to the sum of forty thousand dollars.

That one third of the said sum be paid in money, or goods, on the signing of the deeds at the ensuing treaty; one third, in the year 1789; and the remainder, in the year 1790; to be delivered on such days in the years aforesaid, and at such places, as shall be mutually agreed on.

All which is humbly submitted to Congress.

H KNOX

[Letter of Secretary at War on Indian affairs ¹]

WAR OFFICE,

May 2nd 1788.

SIR: I have the honor to submit to Congress, an extract of the last letter from Brigadier General Harmar of the 9th of March.

The apparent friendly dispositions of the regular tribes on the frontiers, render it probable that the murders, stated in the Kentucky Gazette of the 5th of April last, were perpetrated by some of the vagrant banditti of indians, who have no fixed place of abode.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, III, p. 165, read May 2, 1788. The extract is on p. 161.

May, 1788

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[Letter of Secretary at War respecting claim of J. Jackson ¹]

WAR OFFICE,
May 2nd 1788.

SIR: I have the honor to transmit to Congress the copy of a letter from the Honorable M^r Jefferson dated at Paris, February 6th 1788, with several enclosures. They were received at this office the 19th of April.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Letters of Secretary for Foreign Affairs transmitting correspondence]

OFFICE FOR FOREIGN AFFAIRS
1st April 1788²

SIR: Your Excellency will receive herewith enclosed, a Letter ³ of the 11th December last from M^r Adams, together with the Paper mentioned in it.

With great Respect, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS

OFFICE FOR FOREIGN AFFAIRS
1st April 1788⁴

SIR: Whatever may be the Intention of Congress relative to the Appointments mentioned in the enclosed Letters from M^r Barclay⁵

¹ *Papers of the Continental Congress*, No. 150, III, p. 169, read May 2, 1788. A copy of Jefferson's letter to Knox, respecting the claims of John Jackson, an English pilot, for pay, while detained by John Paul Jones, is on p. 173, with accompanying documents on pp. 177-178, 181-182 and 185. See letter from Secretary for Foreign Affairs, September 20, 1785, on the same subject. *Journals*, vol. XXIX, p. 733. See May 5, 1788.

² *Papers of the Continental Congress*, No. 80, III, p. 458, read May 2, 1788. Enclosures returned to Office for Foreign Affairs, May 14, 1788.

³ *Papers of the Continental Congress*, No. 84, VI, p. 587, read May 2, 1788. Transmitted paper on Experiments in Navigation by Patrick Miller.

⁴ *Papers of the Continental Congress*, No. 80, III, p. 466, read May 2, 1788. The enclosures recommended Mr. Bondfield for vice consul at Bordeaux.

⁵ *Papers of the Continental Congress*, No. 91, II, p. 447.

and Doct^r Franklin,¹ I think it my Duty to communicate them without waiting for the Occasion they allude to.

I have the Honor to be, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

1st April 1788²

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter of the 25th Instant from the Mayor of this City, together with the Copy of one from Alderman Wiley to him, which is referred to in it.

From these Documents it appears that the Complaint of M^r Van Berckel has met with all the Attention which the Nature of the Case, and the Circumstances relating to it would admit of.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency the

PRESIDENT OF CONGRESS

OFFICE FOR FOREIGN AFFAIRS

9th April 1788³

SIR: I yesterday received and now have the Honor of transmitting to your Excellency, herewith enclosed, a Letter from M^r Jefferson of 21st December last, together with the Papers mentioned to be enclosed with it; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 82, III, p. 281.

² *Papers of the Continental Congress*, No. 80, III, p. 462, read May 2, 1788. The enclosures mentioned are on pp. 391-391b and 392-393. Deane's letter is dated March 25, 1788. See February 1 and March 25, 1788.

³ *Papers of the Continental Congress*, No. 80, III, p. 470, read May 2, 1788. Jefferson's letter dealt with the brig Appolonia and communications with Mr. Dumas, which were enclosed. The enclosures were returned to the Office for Foreign Affairs on May 14, 1788.

May, 1788

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OFFICE FOR FOREIGN AFFAIRS

11th April 1788¹

SIR: I have the Honor of transmitting to your Excellency two Letters ² of the 30th November, and 16th December last from M^r Adams, with the Papers mentioned in the former; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

11th April 1788³

SIR: Your Excellency will receive herewith enclosed a Letter and Translation of it, from a M^r Collegnon, together with the little Book that accompanied it. Although his Propositions are too singular to be embraced, yet it may be adviseable to permit me to give him a general Answer.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

11th April 1788⁴

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter of the 10th Instant from M^r John Lamb, which it appears to me should be referred to the Treasury.

With great Respect etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 478, read May 2, 1788.

² *Papers of the Continental Congress*, No. 84, VI, pp. 575-578 and 591-594, with a copy of the King's speech on pp. 579-584. The first discussed the King's speech and political affairs in Europe. The second treated of the approval of his conduct as Minister, the new Constitution and a projected quadruple Alliance of the two Emperors, France and Spain.

³ *Papers of the Continental Congress*, No. 80, III, p. 474, read May 2, 1788. The enclosures were returned to the Office for Foreign Affairs on May 14, 1788. See May 5, 1788.

⁴ *Papers of the Continental Congress*, No. 80, III, p. 482, read May 2, 1788. Lamb's letter advised of his arrival in New York and requested a settlement of his mission to Algiers. See May 5, 1788.

OFFICE FOR FOREIGN AFFAIRS

18th April 1788¹

SIR: I have the Honor to transmit to your Excellency, herewith enclosed, two Letters from M^r Jefferson dated the 31st December² and 5th February³ last, together with the Papers mentioned to be enclosed with the former; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

21st April 1788⁴

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, sundry Letters from M^r Dumas of 14th and 27th November and 4th 18th and 21st December last, together with Translations of them; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

24th April 1788⁵

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter from M^r John M. Pintard commercial Agent of

¹ *Papers of the Continental Congress*, No. 80, III, p. 486, read May 2, 1788. The enclosures were returned to the office for Foreign Affairs on May 14, 1788. See May 5, 1788.

² This letter transmitted a Decree of December 29, 1787 for encouraging commerce and made observations thereon.

³ *Papers of the Continental Congress*, No. 87, II, pp. 47-49. It discussed European affairs, and announced the trip of J. P. Jones to Copenhagen and the death of Captain Coffin at Algiers.

⁴ *Papers of the Continental Congress*, No. 80, III, p. 490, read May 2, 1788. The first four letters of Dumas related to his difficulties with the government in Holland. That of December 21 reported a proposed alliance between Holland, England and Prussia. The enclosures were returned to the Office for Foreign Affairs on May 14, 1788.

⁵ *Papers of the Continental Congress*, No. 80, III, p. 494, read May 2, 1788. Pintard's letter was regarding the conduct of his office at Madeira with a list of American ships that arrived there. The enclosures were returned to the Office for Foreign Affairs on May 14, 1788.

the United States at Madeira, dated the 3^d of March last, together with the Papers mentioned to be enclosed in it.

I have the Honor to be, etc.,

JOHN JAY.¹

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, MAY 5, 1788.

Congress assembled. Present New hampshire, Massachusetts New Jersey, Pensylvania, Maryland Virginia and South Carolina and from Connecticut M^r [Stephen Mix] Mitchel, from Delaware M^r [Dyre] Kearny and from Georgia M^r [Abraham] Baldwin.

¹ MAY 2, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 188, the following were read and referred:

Petition of Mary Cransbury, April 5, 1788, for a liquidation of pay due her deceased husband while in captivity. *Papers of the Continental Congress*, No. 62, p. 239. Referred to the Commissioner of Army Accounts to report. Report rendered May 13 and acted on May 15, 1788.

Memorial of Isaac Trowbridge, March 28, 1788, respecting his contract for carrying mail. *Papers of the Continental Congress*, No. 41, X, pp. 267-268. Referred to the Postmaster General to report. Report rendered May 6, 1788. See May 13 and June 17, 1788.

Representation of Benjamin Contee, March 17, 1788, with reference to his letter opened in the post office. Referred to the Postmaster General to report. Report rendered May 6, 1788.

According to indorsement the following were read:

Petition of G. Rapalje and John Woods, March 28, 1788, supplementing their previous petition, read March 12, 1788. *Papers of the Continental Congress*, No. 42, VIII, p. 412, with original articles of agreement between Rapalje and Woods, and Henry Perine, on pp. 414-416. See May 5 and 7, 1788.

Letter of Sam Johnston, governor of North Carolina, to Secretary of Congress, March 19, 1788, respecting a commissioner to treat with the Creeks and Cherokees. *Papers of the Continental Congress*, No. 72, pp. 313-314.

Letter of Sam Johnston to Secretary of Congress, March 19, 1788, acknowledging receipt of resolution on granting of sea letters. *Papers of the Continental Congress*, No. 72, p. 309.

Letter of John Collins, governor of Rhode Island, to President of Congress, dated April 5, 1788, respecting the conduct of the Assembly with reference to the Constitution. *Papers of the Continental Congress*, No. 64, pp. 604-605, together with a certified copy of the Yeas and Nays from the respective towns, on pp. 608-609, and a printed attested copy of "An Act submitting to the Confederation of the Freemen of this State, the Report of the Convention of Delegates for a Constitution" on pp. 610-611.

[Report of Secretary of Congress on various letters and Petitions ¹]

OFFICE OF SEC^y OF CONGRESS

May 3, 1788

On the letter ² of 10 of April from J Lamb to the Sec^y of foreign Affairs desiring him to inform Congress that he is in New York and prays for a Settlement of his Mission to Algiers

The Sec^y of Congress reports

^{ag} That the letter of 10 of April from J Lamb be referred to the board of treasury.

On the letter ³ of 10 June 1787 from M^r Colignon contain^s his proposals for publishing a plan to extirpate all public misery

The Sec^y of Congress reports

^{ag^d} That the letter of 10 June 1787 from M^r Collignon with the pamphlet accompanying it be returned to the Office of foreign Affairs.

On the letter ⁴ of 31 Dec^r 1787 from M^r Jefferson accompanied with "An Act of the King's Council of State for the encouragem^t of the Commerce of France with the U S of America Dec^r 29, 1787 and his Observations thereon

The Sec^y of Congress reports that the letter of 31 Dec^r from M^r Jefferson be returned to the Office of foreign Affairs And that the ^{ag^d} Act for the encouragement of the Commerce of France with the U S of A. together with M^r Lamberts Letter with accompanied the said Act be referred to the Sec^y for foreign Affairs to take Order for the publication.⁵

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180^r pp. 72-74.

² See May 2, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the letter was referred to the Board of Treasury to report in conformity with the report.

³ See May 2, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the letter was returned to the Secretary for Foreign Affairs in conformity with the report.

⁴ See May 2, 1788.

⁵ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the Act of December 29, 1787 and a letter of M. Lambert to Jefferson of the same date were referred, in conformity with this report, to the Secretary for Foreign Affairs to take order for publication. Printed copies of the letter and the Act (second proof), in French and English, are in *Papers of the Continental Congress*, No. 87, II, pp. 35-38 and 39-46, respectively. They were transmitted from France to Jay by W. Short in a letter of January 1, 1788.

On the memorial ¹ of James Wilson in behalf of the United land Companies of the Illionois and Wabash stating the claims of the said companies, suggesting a mode for obtaining information touching the fairness of their purchases and representing their willingness in case they should be found to be well founded to cede to the U S a great proportion thereof

The Sec^y of Congress reports

That the memorial of Ja^s Wilson in behalf of the United land Companies of the Illionois and Wabash be referred to a committee.²

On the letter of 20 Sept 1787 from M^r Kosciusko late a Col. in the Army of the U S stating that he has not these three years rec^d int on the Money due to him and praying that M^r Grand may be directed to pay him yearly according to the Certificate given him at the treasury Office.

The Sec^y of Congress reports

That the letter of 20 Sept 1787 from M^r Kosciusko be referred to the board of treasury.³

On the petition ⁴ of Garret Rapalje and John Wood referring to their former petition for liberty to purchase a tract of Land N W of Ohio and stating that Contracts have been proposed to them for divers parcels of the land prayed for in case Congress should think proper to order a grant of the same and praying for a speedy answer as they have been long absent from their families

The Sec^y of Congress reports

That the petition of Garret Rapalje and John Woods be referred to the board of treasury.

On the letter of the 17 April from the board of treasury enclosing an extract of a letter from the Com^{rs} of loans in Amsterdam touching

¹ According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 30, this memorial was delivered and read, May 2, 1788.

² According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, this committee consisted of Mr. William Irvine, Mr. Abraham Clark, Mr. Nathan Dane, Mr. Stephen Mix Mitchell and Mr. Edward Carrington. It reported June 27, 1788. According to receipt of James Wilson, the petition and accompanying papers were returned to him March 22, 1790. *Papers of the Continental Congress*, No. 41, X, p. 703.

³ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the letter was referred to the Board of Treasury as indicated in the report.

⁴ See May 2 and 7, 1788.

a proposal for compleating the last loan made in Holland; and also on another letter of the 21 April from the board enclosing one of the 7 feb^y last from M^r Jefferson on the same subject

The Sec^y of Congress reports

ag^d That the letters¹ of 17 and 21 April from the board of treas^y with the letters enclosed be referred to the said board to report.

On the letter² of 2 May from the Sec^y at war enclosing a letter from M^r Jefferson and sundry papers touching the claim of John Jackson a british pilot, who in the year 1779 went on board Capt J P. Jones then hovering on the coast of England and was detained and, in the Action with the Serapis which ensued, lost his Arm,

The Sec^y of Congress reports that this matter came before Congress in 1785 and was referred to a Com^{ee} who reported³ as their Opinion "That 6 doll^{rs} per month, a pilots half pay be allowed and paid out of the treas^y of the U. S in half yearly payments to the said J Jackson" and that this report ~~has never been~~ still lies undetermined.

[Report of committee on Claims of Virginia⁴]

The Committee consisting of [Mr. Jeremiah Wadsworth, Mr. Nathan Dane, Mr. Abraham Clark, Mr. William Irvine and Mr. Dyre Kearny] To whom were referred Sundry papers relative to the Illonois accounts subject to be adjusted and settled agreeable to the Terms of the Virginia Cession of Western Territory, report

That by An Act⁵ of Congress of the 10th of October 1780 it was resolved "that any necessary and reasonable expences which any particular State ~~should~~ [shall have] incurred since the Commencement of the present war in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the Territory that may be ceded or relinquished to the United States shall be reimbursed".

¹ See May 2, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the letters were referred to the Board of Treasury as indicated in the report. Report rendered June 3, 1788.

² See May 2, 1788.

³ *Journals*, vol. XXIX, pp. 777-778.

⁴ *Papers of the Continental Congress*, No. 20, II, p. 331, in the writing of Mr. Nathan Dane. Read May 5, 1788. The report is indorsed "to be filed" and "filed in Iron chest". See March 3, 1788.

⁵ See *Journals*, vol. XVIII, p. 915.

That a Condition in the Acceptance of the Act of Virginia is as follows, "that in order to comply with the Second Condition so far as has been heretofore provided for by the Act of the 10th of October 1780 it is Agreed that one Commissioner shall be appointed by Congress, one by the State of Virginia, and another by those two Commissioners, who or a majority of whom shall be authorised and impowered to adjust and liquidate the accounts of the necessary and reasonable expences incurred by the said State, which they may Judge to be comprized within the true intent and meaning of the said recited Act".

That the said Commissioners have been accordingly Appointed and after a long investigation appear to have brought the business referred to them nearly to a final adjustment, by whose determination and report in the premises the contracting parties are reciprocally bound as in all other Cases.

Your Committee, therefore, are of opinion that neither party can with any propriety interfere in the business so referred.

[Report of committee on petition of inhabitants of St. Vincents and Illinois ¹]

The Committee [consisting of Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White] to whom was referred the petition of the French and American Inhabitants of Port St Vincents and the Illinois by their Agent M^r Tardiveau beg leave to report that as there is much uncertainty about the possessions of the Inhabitants of the Country upon the Wabash and Mississippi Rivers, and the Quantities of Land that they may be entitled respectively to hold and enjoy by rights acquired before they became subjects of the United States, in order to quiet their minds, to maintain them in their just rights, and extend to them the liberality of the United States they submit the following resolutions viz

Resolved that the Governor of the Western Territory shall cause to be surveyed and laid out, as soon as may be a tract of land upon the Wabash River bounded in the following manner to wit, beginning at the place where the River a Maries falls into the Wabash and

¹ *Papers of the Continental Congress*, No. 19, VI, pp. 5-6a, in the writing of a clerk. Delivered March 31 and read May 5, 1788. There is a broadside of the report on p. 7. It was made the order of the day for Friday, May 9, 1788, but no session was held on that date. See March 27, June 26 and August 29, 1788.

running thence east eight miles thence north to the Southern¹ boundary line of a tract of land lately agreed for by the Board of Treasury with Messrs Flint and Parker; thence with that line to the Wabash and across the same twenty miles thence due north so far as to meet a due west line drawn from the point of beginning. Also one other tract of land upon the Mississippi bounded in the following manner viz. beginning at the mouth of the wood River and running with the Southern boundary line of a tract of land lately agreed for by the Board of Treasury with Messrs Flint and Parker to the Kaskaskias River thence Southerly untill it meets the Mississippi at the mouth of the River au Vase, thence with that River to the place of beginning and including all the Islands in that river near to the eastern bank of the same, which two tracts of land will contain and circumscribe all the settlements made by the ancient French Inhabitants, except such as may have been within the Tract agreed for with Flint and Parker upon the Illinois River, and the rights of each as may have been settled therein and provided for by the agreement with them.

Resolved that the Governor of the Western territory shall cause as soon as may be, due enquiry to be made into the claims to lands of the Inhabitants of the Country upon the Wabash and Mississippi Rivers, and where it shall be ascertained either by Records that have been preserved in the Country or by authentic writings in the Possession of the parties claiming which may not have been recorded that lands may have been granted to any of the said Inhabitants by the french Government, or conceded to them by the military officers in command there from time to time, or by the Intendant or other civil Officer of that Crown who may have been entrusted with the distribution of lands he shall provided the Quantity expressed in such grant does not exceed four hundred acres, on the application of the said Inhabitants respectively or of their Heirs or legal Representatives, cause the same to be surveyed and laid out, agreeably to the descriptions in the said Writings and Records contained, at their own proper Costs and charges, and shall grant letters patent under the seal of the Government and Counter signed by the Secretary confirming the same to the said Parties and to their Heirs and Assigns forever, to the Inhabitants of the Country upon the Wabash the Lands to be laid out in the tract upon the Wabash, and to the Inhabitants of the Mississippi in the tract upon the Mississippi.

¹ The phrase "thence north to the Southern" should read "thence south to the northern".

And whereas it may be that persons may have acquired equitable Titles to lands under some peculiar Customs established and recognized in the ancient French Colonies where no actual grants have passed in that Case Resolved that the Governor of the Western Territory wherever it shall be made satisfactorily to appear by any of the Inhabitants of the Countries upon the Wabash and Mississippi Rivers, or by the Heirs or legal Representatives of any persons who have heretofore been inhabitants of the same, that they or their Predecessors respectively had acquired equitable or Customary rights to Lands shall cause to be surveyed for each on their applying for the same, and at their Proper Costs and Charges four hundred acres of Lands within either of the before described Tracts of Land, in that upon the Wabash for the Inhabitants upon the Wabash, and in that upon the Mississippi for those upon the Mississippi, and issue letters Patent under the seal of the Government granting the same to the ~~inhabitants~~ individuals and to their Heirs and Assigns forever.

And whereas the Country upon the Wabash and Mississippi Rivers was by the treaty of Paris 1763 ceded to the Crown of Great Britain and grants of land may have been made to Individuals inhabiting there by the Officers of that Crown Resolved that the Governor of the Western territory shall cause like enquiries to be made as in the cases of the ancient French inhabitants and order the lands to be surveyed and laid out for them respectively within the bounds of the before described tracts of Land, and under the same limitations and restrictions Issue letters Patent confirming the same to them and their Heirs and Assigns respectively forever.

And whereas from the conquest of the Country upon the Wabash and Mississippi Rivers untill the Cession made by the State of Virginia to the United States the same was under the Government and dominion of that State, and many persons may have removed during that period into the said Country and have acquired legal or equitable Titles to lands, under the laws or Customs of Virginia Resolved that the Governor of the Western territory shall cause due enquiry to be made into the same and upon the same being ascertained; to order the lands to be surveyed and laid out for the Persons claiming the same their Heirs or legal representatives within either of the before described tracts of Land, and Issue letters Patent confirming them, to them, and their Heirs and Assigns forever under and Subject to the same Regulations limitations and restrictions as are prescribed in the Case of the french and English Inhabitants.

And whereas it may be that within the boundaries of the before described Tracts of land upon the Wabash and Mississippi Rivers after all the claims of the inhabitants, whether legal or equitable, to any quantity of Land, not exceeding four hundred Acres for each, shall have been satisfied there may yet remain an over plus, Resolved that the Governor of the Western Territory may, and he is hereby empowered and directed upon application to order the same to be surveyed and laid out for any person or persons in quantities not exceeding four hundred Acres for each applicant and to Issue letters Patent, granting and confirming the same to the said Applicants respectively and to their Heirs and Assigns for ever they paying for the same at the rate of pr Acre, any thing in the powers to the board of Treasury to dispose of Western territory notwithstanding, out of which powers the before described tracts of Land upon the Wabash and Mississippi Rivers are hereby expressly excepted.

Resolved that where the Claims to Lands of the Inhabitants of the Country upon the Wabash and Mississippi Rivers, whether legal or equitable do not amount to four hundred acres for each, the Governor of the Western territory may and he is hereby empowered at the request of the parties to grant to the Parties a quantity in addition that shall make up four hundred acres for each Inhabitant and provided that in all cases where the Claim exceeds that Quantity he shall report the same with all the Circumstances attending it to Congress for their Decision. And to the end that the business may be conducted with safety and propriety as well for the United States as for the Individuals interested, Resolved that the Governor shall erect an Office where all persons claiming lands under Grants from the Crown of France the Government of Great Britain or the State of Virginia shall present the same or authentic Copies of the Records, where the same may have been preserved and from which warrants of survey shall Issue to the Surveyors to be appointed to lay out the same, which Surveyors before they enter upon the execution of their offices shall take an Oath or Affirmation of fidelity to the United States and for the due and faithfull execution of their Offices respectively before they enter on the same which Warrants together with plots of the tracts of land shall be returned to and filed in the said Office, before any Patent shall Issue, and in all Cases where equitable Titles shall have been ascertained the Governor shall certify the same, under his hand and seal to the party, which certificate shall be recorded in

the said Office and warrants of survey Issued thereupon and return of the warrants together with the Plotts of the land be returned and filed before any Patent for the same shall Issue. And the Secretary of the Government shall make return once in every three months to the Secretary of Congress of all warrants Issued by the Governor in pursuance of the foregoing Resolutions.

[Report of Secretary at War on western posts ¹]

The Secretary of the United States for the Department War to whom was referred a letter of the 11th of March 1788 from the Superintendent of Indian affairs for the Northern district,

Reports,

That it is to be regretted that every arrangement of military posts for the protection of the frontiers is exceedingly defective compared with the importance of Niagara and Detroit.

That by the said posts being unjustly withheld from the United States, they are not only constrained to make inadequate establishments for the defence of the frontiers but are subjected to excessive expences by being obliged to transport all their supplies upwards of three hundred miles by land.

That untill the United States are in possession of said posts not only the before recited evils will be continued, but it is to be apprehended no solid peace can be effected with the Indians.

That the opinion of the Superintendent with respect to the establishment of posts at the Miami Village and at Cayahoga would be well founded were existing circumstances favorable to the plan.

That posts being established at said places must depend on one or the other of the following circumstances. Either the Indians must sincerely concur in the measure, or the posts and garrisons themselves must be so strong, and possess such communications, as to bid defiance to the force of the Indians.

To attempt the establishment of small posts far advanced into the country in the present irritated temper of the Indians would most probably accelerate a war which it is highly the interest of the United States to avoid.

A post of five hundred men being established at the Miami Village at the rapids of the Miami river, which runs into Lake Erie, would be highly advantageous to the Indian trade and the security of the

¹ *Papers of the Continental Congress*, No. 151, pp. 339-342, read May 5, 1788. A copy of General Butler's letter is on pp. 335-336. See March 18 and 24, 1788.

frontiers. But the said post ought to be supported by others so as to have a free communication by the way of the Wabash, as well as Lake Erie.

Should the Indians at the ensuing treaty receive favorably the proposition, a considerable post might this year be established at Cayahoga river, which runs into Lake Erie. Should they be averse to the design it must be deferred. For the troops on the frontiers will be too much reduced to attempt the establishment by force, and it is uncertain whether the Treasury will be able to furnish money to recruit others to supply their places.

The average number of troops on the frontiers during the present year will not exceed three hundred and fifty, unless exigencies should arise to induce the States to furnish the public treasury better than otherwise it will be.

Hence it will appear that any capital alteration of the posts will depend on the issue of the ensuing Indian Treaty combined with other causes.

Your Secretary will request early information of the Commissioners with respect to the dispositions of the Indians on this point, which with any propositions arising therefrom shall be submitted to Congress for their decision.

All which is humbly submitted.

H KNOX ¹

WAR OFFICE,
March 31st 1788

¹ MAY 5, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the following committee was appointed:

Mr. Thomas Tudor Tucker, Mr. William Irvine and Mr. Paine Wingate on the report of the Board of Treasury on memorial of William Gardner. See May 2, 1788. The committee reported July 11, 1788. See also July 15, 1788.

Also according to the *Committee Book*, the following was referred:

Letter of Edmund Randolph, governor of Virginia, to the Virginia delegates, March 13, 1788, with reference to extension of the time of the Commissioner for settling the accounts of that State with the United States. *Papers of the Continental Congress*, No. 71, II, p. 589, read May 5, 1788. Referred to the Board of Treasury to report. Report rendered May 7, 1788.

According to indorsement was read:

Memorial of Ruben Stiles, April 20, 1788, for the settlement of his accounts. *Papers of the Continental Congress*, No. 41, IX, p. 469, read May 5, 1788. See May 6 and July 30, 1788.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 31, was received:

Letter of John Wereat, President of the Georgia Convention, to President of Congress, January 5, 1788, transmitting the ratification of the Constitution.

TUESDAY, MAY 6, 1788.

Congress assembled present as yesterday and from Rhode island Mr P[eleg] Arnold who produced credentials of his appointment.

[Credentials of Peleg Arnold, Rhode Island ¹]

By His Excellency John Collins Esquire, Governor, Captain-General and Commander in Chief of the State of Rhode-Island, and Providence-Plantations,

To Peleg Arnold Esquire Greeting.

You the said Peleg Arnold being at the General Election held at Newport on the First Wednesday in May instant chosen one of the Delegates to represent this State in the Congress of the United States of America for one Year from the First Day of November next, and until another shall be appointed to take your Place, are hereby authorised and empowered to represent this State in the said Congress, during the Time aforesaid, agreeably to your said Appointment.

Given under my Hand at Newport and the Seal of the said State this Seventh Day of May A. D. 1787 and in the Eleventh Year of Independence.

(Seal)

JOHN COLLINS

By His Excellency's Command.

HENRY WARD *Secry*

[Motion of Mr. Carrington ²]

That to morrow be assigned for electing two Commissioners for settling the accounts of the five great departments.

¹ Original credentials, indorsed as read May 6, 1788, in *Papers of the Continental Congress*, Credentials Rhode Island. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 252.

² *Papers of the Continental Congress*, No. 140, II, p. 525, in the writing of Charles Thomson. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, the motion was referred to the Board of Treasury to report. Report rendered May 8, 1788.

[Report of Secretary of Congress on memorial of R. Stiles ¹]

OFFICE OF SECR^y OF CONGRESS

May 6 1788

On the Memorial ² of Reuben Stiles, late a deputy issuing Commissary stating that he has come to this city to settle his accounts but that on applying to M^r Burrall he finds his authority ceased on the 23 March last and praying that M^r Burrall or some other person may be authorized to liquidate and settle his Acco^{ts}

The Sec^y of Congress reports that by the Act ³ of 23 July 1787 it was resolved that all persons hav^g unliquidated claims ag^t the U S in the commissary's &c department were to exhibit abstracts of such claims to the com^r appointed to settle the acco^{ts} of the department within 8 months from the of the resolution and by the s^d resolution it is declared that all acco^{ts} not exhibited as aforesaid shall be precluded from settlement or allowance, whether M^r Stiles application comes within this resolve depends on the nature of his claim his having claims ag^t the U. S.

The Sec^y therefore reports
ag^d That the Mem^l of R. Stiles be referred to the board
of treas^y ⁴

[Report of Postmaster General on memorials of B. Contee and I. Trowbridge ⁵]

GENERAL POST OFFICE

New York May 5th 1788.

The Postmaster General begs Leave to Report; Upon the Memorial of the Honorable Benjamin Contee;

That all Letters sent from one Post Office to another at the same time, are put up (with an Invoice of them) in a Bundle, covered with a Paper Wrapper, which is tied, and sealed with the Seal of the

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 74.

² See May 5, 1788.

³ *Journals*, vol. XXXIII p. 392.

⁴ According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 189, the petition was referred to the Board of Treasury as indicated in the report. Report rendered July 30, 1788.

⁵ *Papers of the Continental Congress*, No. 61, pp. 423-424, read May 6, 1788. The covering letter of May 5, 1788, also read, is on p. 337. See May 2, 13 and June 17, 1788.

Office from which the letters are sent; and the Bundle is then directed for the Office to which the Letters are to be carried:

That M^r Contee's Letter appears to have been the outside Letter of the Bundle, and that the Seal (probably to secure the *Direction* in Case of Accidents) was placed next to the Wrapper:

That the Wax used in sealing the Bundle, being hot, has melted that with which M^r Contee's Letter was sealed, and occasioned the Wrapper to adhere to it; and, that in Consequence of this Adhesion, M^r Contee's Letter was torn in taking the Wrapper off the Bundle, which is commonly done in an hurry, as there are generally People waiting at the Post Office Window for their Letters upon the Arrival of the Mail;

That, as Part of the Post Office Seal, Part of the String with which the Bundle was tied, and Part of the Wrapper, still adhere to the Seal of M^r Contee's Letter, the Postmaster General thinks it evident that the Letter was torn in the manner abovementioned.

Upon the Memorial of Isaac Trowbridge he reports;

That so far as the Postmaster General is acquainted with the Circumstances of the Case, the Memorialist has truly stated Facts;

That after the Memorialist had entered into the Contract, and before he gave Bond, he alledged a mistake in his Calculation; but the Postmaster General did not conceive himself at Liberty to make any further Allowance, as the Contract was compleated, and he had Proposals from another Person who asked but ten Dollars more than M^r Trowbridge for performing the same Service;

That the Purposes of Commerce did not require so frequent a Transportation of the mail, as thrice in each week, to the Eastward: nevertheless, as the Establishment is made, and is general, extending from New Hampshire to Georgia, and Alterations in a Part of the Route (particularly in the middle) will create Confusion in the whole, and may occasion great Damage in mercantile Cases respecting In-

surance, Bills of Exchange, &c. the Postmaster General cannot advise an Alteration in this Respect now.

Which is with due Deference submitted.

EBEN HAZARD ¹

WEDNESDAY, MAY 7, 1788.

Congress Assembled present as yesterday.

[Report of committee on Post Offices²]

Whereas difficulties have been lately experienced by the several printers in the exchange of their papers by post and doubts have arisen how far they have the right of making such exchange free from postage, therefore *Resolved*,

That, in order to promote the circulation of useful intelligence the printers of newspapers throughout these States, be allowed to exchange their papers with each other by means of the public mail without any charge of postage. Provided always that no newspaper shall be suffered to pass in the mail unless it shall be thoroughly dry and the wrapper left open at one end so that it may be clearly seen how many newspapers ~~of the~~ ~~for~~ publications and whether any letters, are contained therein; and if it shall appear upon examination that any letters are concealed under such wrapper, the full rate of postage shall be charged not only on such letter, but also on the other contents of the wrapper.

¹ MAY 6, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 189, the following committees were appointed:

Mr. Nathan Dane, Mr. Abraham Clark and Mr. Samuel Allyne Otis on the memorial of John Mason, read May 6, 1788, for sea letters for the Ship Warren. *Papers of the Continental Congress*, No. 46, p. 305. Report rendered May 8, 1788.

Mr. Edward Carrington, Mr. William Irvine and Mr. Jonathan Dayton on the memorial of Israel Shreve, read May 6, 1788, regarding the settlement of his accounts. *Papers of the Continental Congress*, No. 41, IX, p. 471. Copies of supporting documents are on pp. 477-490. Report rendered June 11, 1788.

According to indorsement and the *Committee Book*, p. 190, the following was referred:

Petition of Moore Faunt Le Rey (see March 6, 1788), together with the report of the Board of Treasury of May 2, 1788 on the petition. Referred to the Commissioner of Army Accounts to take order. See July 16, 1788.

² *Papers of the Continental Congress*, No. 61, p. 567, in the writing of a clerk. Read May 7, 1788. This committee was probably that of March 27, 1788, consisting of Mr. Jonathan Dayton, Mr. Jeremiah Wadsworth, Mr. Nathan Dane, Mr. John Brown and Mr. Thomas Tudor Tucker.

[Report of Board of Treasury on letter of Governor of Virginia ¹]

The Board of Treasury to whom was referred a Letter from His Excellency the Governor of the State of Virginia of the 13th March 1788,

Beg leave to Report

That the application of the State of Virginia for an extension of the Period assigned by the Ordinance ² of the 7th May 1787, for rendering the accounts of the several States with the Union, appears to be founded on an Idea entertained by the Executive, that the Accounts of the State cannot be rendered in season, under the heads which they apprehend may be required by the Commissioner; and that consequently they would be precluded from exhibiting them at a subsequent period.

On which the Board beg leave to observe

That although the different heads, under which the accounts of several States with the Union, are pointed out by the Ordinance aforesaid, and the Commissioner for the district, in which the State of Virginia is comprehended, may have suggested to the State the propriety of stating their accounts under such heads for the sake of facilitating their adjustment, yet that the States are not precluded by any clause in the said Ordinance from rendering their accounts, under such forms as their particular situation may render most adviseable.

That the great and desirable object is to obtain from the several States all their accounts against the Union, so that a proper statement may be made of the same with as little delay as possible; but nevertheless, as the District Commissioners are limited to the period of Six months, after they have received the State accounts for adjusting such of them as fall under their respective cognizance, it is to be wished that the several States would render the same under the heads pointed out by the Ordinance.

It is however the intention of the Board (unless otherwise directed by Congress) to direct the district Commissioners to receive from the several States all their Accounts against the Union, under such Forms, as they may judge it adviseable to exhibit the same, should the time limited for their reception not enable the States to class them under the several heads, as stated in the Ordinance.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 77-80, read May 7, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 499. See May 5, 1788. See also June 23, 1788.

² *Journals*, vol. XXXII, pp. 262-266.

For this reason (without the necessity of suggesting others which will obviously present themselves to the consideration of Congress) they are of opinion, it would not be expedient to extend the time assigned by the Ordinance of the 7th May 1787, for exhibiting the Accounts of the several States against the Union.

All which is humbly submitted.

May 7th 1788

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Board of Treasury on memorial of J. May ¹]

The Board of Treasury to whom was referred the Memorial of John May

Beg leave to Report

That the protested bill, for the payment of which application is made by the Memorialist is drawn by the Agent of the Contractors for the Western Posts, on the Contractors in Philadelphia.

That the Accounts of the said Contractors have been adjusted at the Treasury, and the balance found due to them (so far as they have produced Vouchers) paid; but should any further Sums hereafter accrue to the credit of the Contractors, the same can only be paid to them, or their legal Assigns; as the engagements made by the Contractors are on their private Credit, and the public are in no wise bound to make good the demands which Individuals may have against them.

For the reasons above stated,

The Board of opinion, That the application of John May for the Relief mentioned in his letter of the 15th of January last, cannot be complied with; the United States not being liable for any engagements, made by public Contractors on their private Credit.

All which is humbly submitted.

May 7, 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE ²

¹ *Papers of the Continental Congress*, No. 138, II, pp. 81-82, read May 7, 1788. See March 25, 1788.

² MAY 7, 1788. According to indorsement the petition of Rapalje and Woods was debated and negatived. See March 12, 19 and 25 and May 2 and 5, 1788.

THURSDAY, MAY 8, 1788.

Congress assembled present as before.

[Report of Board of Treasury on settlement of accounts¹]

The Board of Treasury to whom was referred a Motion of the Hon'ble M^r Carrington, for continuing the appointment of the two Commissioners, for settling the Accounts of the five great Departments;

Beg leave to submit to the Consideration of Congress, two reports of the present Commissioners on the General State of the Accounts in those Departments.

From a consideration of the Circumstances stated in the said Reports; and of the great Importance it is that all those Accounts should be brought to a close, previous to the Organization of the new Government, which in all probability will take effect in the Commencement of the ensuing Year,

The Board are of opinion that it will be advisable to continue the appointment of the present Commissioners for the Space of one Year; and in Order more effectually to induce Individuals, who stand chargeable with Public Monies received in any of the five great Departments to render their Accounts, so that the same may be adjusted previous to the termination of the appointments aforesaid; the Board submit to the consideration of Congress the following Resolves; shou'd that Hon'ble Body concur in Opinion that it will be adviseable to continue the said Appointments.²

On a report of the board of treasury to whom was referred a motion³ of M^r [Edward] Carrington

Resolved That congress proceed to the election of two commissioners for settling the Accounts of the five great departments, to continue in Office one year.

¹ *Papers of the Continental Congress*, No. 139, pp. 659-660, undated and signed by Samuel Osgood, Walter Livingston and Arthur Lee. Read May 8, 1788. The covering letter of the Board, May 7, 1788, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 503.

² The report concludes with two resolves which, except for verbal changes noted, are the order and second resolve that follow in the *Journal*.

³ See May 6, 1788.

*Ordered*¹ That the commissarioners of Accounts for the quarter masters commissaries, hospital and marine and cloathing departments, with the approbation of the board of treasury,² commence suits in behalf of the United States against all persons in any of the said departments who stand chargeable with public Monies and whose Accounts shall not be lodged with the proper commissioners within four months computed from the present date and that this ~~resolve~~ order be published in the several States for the period above mentioned.

Resolved That the said commissioners be directed to continue their unremitted attention to the final adjustment of all accounts which have arisen in the said departments and to the recovery of all sums for which suits may be commenced and that at the termination of their commission they deposit with the Register of the treasury all the books and papers of their respective Offices together with a general abstract of the sums due from individuals in order that immediate Measures may be adopted for the recovery of the same.

Congress proceeded to the election and the Ballots being taken

Mr Jonathan Burrall was elected a commissioner for settling the Accounts of the quarter masters and commissary's departments having been previously nominated by Mr [Abraham] Clarke, and

Mr Benjamin Walker was elected commissioner for settling the accounts of the hospital, marine and cloathiers departments having been previously nominated by Mr [Nathan] Dane.

¹ "Resolved" in the original report.

² The phrase "with the approbation of the Board of Treasury" was substituted for "be directed to" in the original report.

[Motion of Mr. Clark on interment of Robert Patton ¹]

Congress having rec^d information that Robert Patton late Messenger of Congress deceased this morning, whereupon in Consideration of his long and faithful Services,

Resolved, That the Secretary of Congress give directions for the decent interment of said deceased at the public expence and that the board of Treasury provide for the payment of the same.

[Report of committee on petition of J. Mason ²]

The Committee [consisting of Mr. Nathan Dane, Mr. Abraham Clark and Mr. Samuel Allyne Otis] to whom was referred the Petition of John Mason of Warren in the State of Rhode Island praying for Sea letters for a Ship of four hundred and fifty Tons called the Warren, Report,

That the said John Mason having produced a Certificate and certain papers whereby it appears that Hale Mason is a Citizen of the said State, and that he having acquired considerable property in the East Indies is desirous of returning to the said State with his effects in a Ship of the description aforesaid, himself master and owner, for which Sea letters are requested, whereupon the following resolution is submitted,

Resolved That a Sea letter be granted in the usual form agreeably to the prayer of the said Petition.³

¹ *Papers of the Continental Congress*, No. 36, III, p. 399, in the writing of Mr. Abraham Clark. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, this motion was referred to the Secretary of Congress and the Board of Treasury to take order.

² *Papers of the Continental Congress*, No. 46, p. 301, in the writing of John Fisher. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, this report was referred to the Secretary for Foreign Affairs to take order. See May 6, 1788.

³ MAY 8, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, the following were referred:

Memorial of Thomas Goadsby, read May 8, 1788, relative to a contract for making a die to strike medals. *Papers of the Continental Congress*, No. 41, III, p. 556. Referred to the Board of Treasury to report. Report rendered June 18, 1788.

According to indorsement was read:

Letter of W. Smallwood, governor of Maryland, to President of Congress, May 1, 1788, transmitting ratification of the Constitution. *Papers of the Continental Congress*, No. 70, p. 557.

TUESDAY, MAY 13, 1788.

Congress Assembled present New hampshire Massachusetts Pennsylvania Delaware Maryland Virginia and South Carolina and from Rhode island Mr [Peleg] Arnold from Connecticut Mr [Stephen Mix] Mitchel and from Georgia Mr [Abraham] Baldwin.

A letter ¹ from Mr Pierce com^r of Army Accounts being read, stating his indisposition and praying for leave of absence from his Office for the recovery of his health

Resolved That leave of absence be granted agreeably to his request and that he be authorised to continue the Assistant he appointed in consequence of the Act ² of April 11 1787.

[Letter of Secretary at War respecting Western territory ³]

WAR OFFICE

May 13th 1788.

SIR: I have the honor to transmit to your Excellency for the information of Congress, an extract of a letter from Brigadier General Harmar dated at Fort Pitt the 26th Ultimo.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Commissioner of Army Accounts on petition of Mary Cransbury ⁴]

OFFICE OF ARMY ACCOUNTS

New York May 10th 1788.

The Commissioner of Army Accounts to whom was referr'd the Memorial of Mary Cransburry begs leave to report,

¹ *Papers of the Continental Congress*, No. 62, p. 231, dated May 8, 1788 and addressed to the President of Congress.

² *Journals*, vol. XXXII, p. 172.

³ *Papers of the Continental Congress*, No. 150, III, p 193, read May 13, 1788. A copy of Harmar's letter relative to his tour to Venango, Nicholson, the treaty and Captain Pike, is on pp. 189-190.

⁴ *Papers of the Continental Congress*, No. 62, pp. 235-236, read May 13, 1788. See May 2 and 15, 1788.

That the Act¹ of Congress of the 12th August 1780, recommends to the several States to make compensation to the Officers and Soldiers to them respectively belonging for the depreciation of their pay.

That the State of New York has in part complied with the said Act by making good the pay of Francis Cransburry from the day of his enlistment to the day of his captivity.

That the pay of the said Cransburry from that period, to the time of his death does not appear to have been admitted either by the State aforesaid, or the United States, and that your Commissioner however just the claim appears cannot grant any relief to the Petitioner as the Act² of Congress of the 2^d November 1785 has foreclosed it. Your commissioner therefore begs leave to submit the following resolution

Resolved, That it be recommended to the State of New York to make good the pay of Francis Cransburry late a Soldier in the 3^d Battalion of New York forces from the 25th of August 1778 to the 14th of September 1780, inclusive and charge the same to the United States.

All which is humbly submitted,

for John Pierce, Commiss^r

JOSEPH HOWELL Jun^r Ass^t Commiss^r

CHARLES THOMSON Esq

Sec^y to Congress

¹ *Journals*, vol. XVII, p. 726.

² *Journals*, vol. XXIX, p. 866.

³ MAY 13, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, the following committee was appointed:

Mr. Stephen Mix Mitchell, Mr. Edward Carrington and Mr. Samuel Allyne Otis, on the report of the Postmaster General on the memorial of J. Trowbridge. See May 6, 1788. Report rendered May 22, 1788. See also May 2 and June 17, 1788.

According to indorsement the following were read:

Resolution of the Convention of Delaware offering a tract of land for seat of government. Certified by President Thomas Collins, April 24, 1788. *Papers of the Continental Congress*, No. 46, pp. 145-147.

Memorial of George Morgan for the purchase of two million acres in the Western territory. *Papers of the Continental Congress*, No. 41, VI, pp. 496-498. A copy of the proposals of the New Jersey society is on pp. 500-501. See May 14, 23, June 12 and 20, 1788.

Memorial of John Woods, May 10, 1788, requesting a committee of Congress to settle his accounts. *Papers of the Continental Congress*, No. 42, VIII, pp. 406-407. See February 22 and 29 and May 14 and 15, 1788.

Petition of Frederick Weissenfels, May 10, 1788, requesting post as doorkeeper. *Papers of the Continental Congress*, No. 42, VIII, pp. 420-421, with copy of a

WEDNESDAY, MAY 14, 1788.

Congress assembled present as yesterday.

[Report of Secretary of Congress on sundry memorials and letters¹]OFFICE OF SEC^y OF CONGRESS

May 14, 1788

On the memorial ² of William Newbold and sixteen others by their Agent George Morgan for the purchase of two million Acres of land in the western territory

The Secretary of Congress reports

agr^d That the memorial of William Newbold and others be referred to the board of treasury to report.³

On the petition² of M^r Lotbinier praying for the payment of his pension,

The Sec^y of Congress reports

agr^d That the petition of M^r Lotbinier be referred to the board of treasury.⁴

former petition of June 9, 1785, stating his services in the war, on pp. 424-425. See May 14, 1788.

Letter of Gifford Dalley to Cyrus Griffin, May 9, 1788, asking for post as doorkeeper. *Papers of the Continental Congress*, No. 42, II, pp 374-375. See May 14, 1788.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 32, the following were received:

Act of the State of Delaware, passed February 2, 1788, repealing acts contrary to the treaty of peace. *Papers of the Continental Congress*, No. 75, 303-304, (printed copy from *Laws of the General Assembly of Delaware State* MDCCLXXXVIII.)

Petition of Lotbinier for the payment of his pension. See May 14, 1788.

Letter of Jonathan Swett, March 13, 1788, to know whether he was ever recommended to be a lieutenant. See May 14, 1788.

¹ *Reports of Secretary of Congress*, *Papers of the Continental Congress*, No. 180, p. 75.

² See May 13, 1788.

³ According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 190, the memorial was referred to the Board of Treasury in conformity with the report. Report rendered May 23, 1788. See June 12 and 20, 1788.

⁴ According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 190, the petition was referred to the Board of Treasury as indicated in the report. See May 13, 1788.

On the Letter¹ from Jonathan Swett, ~~stating~~ intimating that he was recommended to be a second lieut and had not justice done him

The Sec^y of Congress reports

^{ag^d} That the letter of 13 May from Jonathan Swett be referred to the Sec^y at war.²

On the applications¹ of M^r F Weisenfels and Gifford Dally to be appointed to the Office which is become vacant by the death of M^r Patton

The Sec^y of Congress reports that James Mather has acted as an Assistant to the late M^r Patton since Jan^y 1785, that in the present situation of Affairs it does not seem necessary to employ two, ~~therefore~~ ~~the Sec^y~~, He therefore submits

That James Mather be appointed Messenger and door keeper to Congress.³

On the memorial¹ of John Woods touching his claims for bringing Indians to the treaty at Hopewell

The Sec^y of Congress reports, that there is now before Congress a report of the board of treas^y on this subject.³

[Letter of Secretary for Foreign Affairs transmitting correspondence⁴]

OFFICE FOR FOREIGN AFFAIRS

13th May 1788.

SIR: I have the Honor to transmit to your Excellency herewith enclosed, three Letters⁵ from M^r Adams dated the 14th 16th and 21st February last, together with the Papers mentioned to be enclosed with them; and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ See May 13, 1788.

² According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, the letter was referred to the Secretary at War in conformity with the report. See May 13, 1788.

³ See May 15, 1788.

⁴ *Papers of the Continental Congress*, No. 80, III, p. 498, received (read) May 14, 1788.

⁵ *Papers of the Continental Congress*, No. 84, VI, pp. 595-598, 599-601 and 627-629, respectively. Enclosures of the second are on pp. from 603 to 624. The letter of February 14 deals with Carmarthan, the new Constitution and political matters of Europe. That of the 16th relates the Court etiquette, giving account of error with reference to his recall from Holland. And that of the 21st informs of his audience of leave with his Majesty.

THURSDAY, MAY 15, 1788.

Congress assembled present New hampshire Massachusetts, New Jersey Pensylvania Delaware Maryland Virginia and South Carolina and from the State of Rhode island M^r [Peleg] Arnold from Connecticut M^r [Stephen Mix] Mitchel and from Gorgia M^r [Abraham] Baldwin.

On a report¹ from the Office of the Commissioner of Army Accounts

Resolved That it be recommended to the state of New York to make good the pay of Francis Cranbury late a soldier in the 3^d battalion of New York forces from the 25 of Aug 1778 to the 14 Sept 1780 inclusive and charge the same to the United States.

On a report² of the board of treasury to whom was referred a memorial³ of John Woods

Resolved, That the sum of fifteen hundred and eighty seven dollars and thirty ninetieths of a dollar heretofore paid to John Woods for his service and expences in attending Indians in the years 1785 and 1787 be in full compensation of his claims and demands whatsoever against the United States for the purposes aforesaid.

Congress proceeded to the choice of a messenger and door-keeper in the room of Robert Patton deceased and the ballots being taken James Mathers⁴ was elected having been previously nominated by M^r S[tephen] M[ix] Mitchell.

¹ See May 2 and 13, 1788.

² See February 29, 1788.

³ See February 22 and 29, 1788. Also see May 13 and 14, 1788.

⁴ See May 14, 1788.

[Report of Secretary of Congress on memorial of A. W. White¹]

OFFICE OF SEC^y OF CONGRESS

May 15, 1788

On the memorial of col A W. White stating sundry difficulties in the way of settling his Acco^{ts}

The Sec^y of Congress reports

ag^d That the mem^l of Col White be referred² to the board of treasury to report.³

FRIDAY, MAY 16, 1788.

Congress assembled, Present New hampshire, Massachusetts New Jersey, Pensylvania, Delaware Maryland Virginia and South Carolina and from Rhode island M^r [Peleg] Arnold from North Carolina M^r [Hugh] Williamson and from Georgia M^r [Abraham] Baldwin.

M^r H. Williamson a delegate for North Carolina produced credentials whereby it appears that he is duly Authorized to represent that stat appointed one of the delegates of that state to the first Monday in November next.

¹ Reports of Secretary of Congress, Papers of the Continental Congress, No. 180, p. 76.

² According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 190, the memorial was referred to the Board of Treasury, as indicated in the report. Report rendered July 30, 1788. See August 25 and September 8, 1788.

³ MAY 15, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 191, the following committee was appointed:

Mr. Nathan Dane, Mr. William Irvine, Mr. Stephen Mix Mitchell, Mr. Edward Carrington and Mr. John Brown on the report of the Secretary at War on a letter of March 14, 1788, from the governor of the Western territory. See May 2 and March 18, 1788. The committee reported May 20, 1788. See March 24 and July 2, 1788.

Also according to the *Committee Book*, p. 190, the following was referred:

Memorial of Christopher Gore, dated and read May 15, 1788, respecting de la Lande and Finje. *Papers of the Continental Congress*, No. 41, III, pp. 560-561. Referred to the Board of Treasury to report. Report rendered May 30, and acted on June 2, 1788.

[Credentials of Hugh Williamson, North Carolina ¹]

State of North Carolina

To the Honorable Hugh Williamson Esquire Greeting

Whereas the General Assembly at their late Session in December 1787 have by joint Ballot of both Houses elected you the said Hugh Williamson one of the Delegates of this State to represent the same in the Congress of the United States of America to serve to the first Monday in November next in the Room of Alexander Martin Esquire who has resigned

In Confidence of your Fidelity, Skill and Ability, We have appointed and by these presents do appoint you the said Hugh Williamson, one of our Delegates to represent us in the Honorable the Congress of the United States of America, in the Room of the said Alexander Martin Esquire, To have, hold, use, exercise and enjoy the said Office of Delegate in Congress with all the Rights Privileges Pre-eminences Authorities and Emoluments to the same belonging or in any ways appertaining untill the first Monday of November next.

Witness Samuel Johnston Esquire our Governor Captain General and Commander in Chief under his hand and our Great Seal at Edenton this 20th day of January Anno Dom: 1788, and in the twelfth Year of Our Independence.

SAM^L JOHNSTON

By His Excellencys Command

[SEAL PENDENT]

WM JOHNSTON DAWSON, P. S.

[Motion of Mr. Seney regarding payment of bill ²]

Whereas The Honorable William Carmichael Esquire having for a considerable Length of time past received no remittance of any part of his Salary as a Charges des Affairs for the United States of America at the Court of Spain hath been obliged to borrow in Spain of the House of Gardoqui and Sons the sum of two thousand dollars, for the

¹ Original credentials, indorsed as read May 16, 1788, in *Papers of the Continental Congress*, North Carolina Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 253.

² *Papers of the Continental Congress*, No. 139, pp. 667-668 in the writing of Mr. Joshua Seney. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 191, the motion was referred to the Board of Treasury to report. Report rendered May 20 and acted on May 21, 1788. See also May 22, 1788.

payment of which the said W^m Carmichael hath drawn a Bill in favor of the said House upon his Friend in Maryland John Brown Esquire payable at ninety days sight, which said sight Bill the said John Brown hath accepted and undertaken to pay. Resolved that the Board of Treasury take order for the payment of the said two thousand Dollars unto the said John Brown for and on account of the said William Carmichael in case there shall be Money unappropriated in the Treasury of the United States, for the purpose. ~~But~~ And in Case there shall not be such unappropriated Money in the Treasury aforesaid Resolved that [it be recommended to] the State of Maryland ~~be requested~~ to pay unto the said John Brown Esquire the sum of two thousand dollars aforesaid to discharge the said Bill, and that upon such Payment the said State have a Credit for the same on the specie requisitions.

[Report of committee on memorial of C. Medici ¹]

The committee, [consisting of Mr. Samuel Mix Mitchell, Mr. John Brown and Mr. Paine Wingate] to whom was refered the Petition of Cosimo Medici, formerly Captain in the service of the United States and the Report thereon, by the commissioner of Army accounts,

Report

That the Petitioner, unwilling to remain an inactive spectator of the ravages of the enemy upon his country, joyned the cavalry under the command of Col^o Anthony W. White in South Carolina, and on the 10th of April 1780 was in cavalry orders appointed by Col^o White Judge advocate and major brigade, of the four corps of cavalry under his command. In which capacity he did duty with address and bravery until made a prisoner by the British horse on the 6th of May following. When he was wounded, and lost two valuable horses with his baggage, and afterward remained a prisoner near eleven months.

That the Petitioner, altho he had rendered essential services in the line of his duty, and suffered much in his person and property, yet is not entitlled, by the existing resolutions of Congress, to any compensation therefor.

Wherefore the committee, conceiving his case in some measure peculiar, and deserving the notice and relief of Congress, submit the following Resolution, That Cap^t Cosimo Medici be allowed five

¹ *Papers of the Continental Congress*, No. 19, IV, p. 45, in the writing of Mr. Paine Wingate. Read May 16, 1788. Negatived on July 14, 1788. See July 23, 1787, and March 12, 1788.

hundred dollars in full for his services and losses, and that the Commissioner of Army accounts settle with him accordingly.

MONDAY, MAY 19, 1788.

Congress Assembled present New hampshire Massachusetts Pennsylvania, Delaware, Maryland, Virginia and South Carolina and from Rhode island M^r [Peleg] Arnold from New York M^r [Alexander] Hamilton from North Carolina M^r [Hugh] Williamson and from Georgia M^r [Abraham] Baldwin.

[Letter of Secretary at War respecting cannon ¹]

WAR OFFICE

May 16th 1788.

SIR: I have the honor to enclose to Congress the copy of a letter from His Excellency the Governor of Massachusetts.

On the commencement of the late war, the field artillery of the troops who assembled before Boston, consisted of only four brass three pounders, the property of the then Province of Massachusetts Bay. On the march of the army from Boston, these pieces were part of its apparatus.

In the progress of the war, two of the four pieces were taken by the enemy. The two requested by the Governor were in constant service throughout the war, and are now in this city.

As this circumstance will serve to illustrate the magnanimity of the Americans, by commencing the war against a powerful adversary with such defective means, it may be considered as an important historical fact. Therefore I humbly beg leave to suggest to Congress the consideration of their directing the circumstance to be engraved on the cannon. As I do not consider myself authorized to deliver property claimed by an individual State without the orders of Congress I submit the following resolve,

Whereas there are in the arsenals of the United States the two brass cannon which constituted one moiety of the field artillery with which the late war was commenced on the part of America and which

¹ *Papers of the Continental Congress*, No. 150, III, pp. 201-203, read May 19, 1788. The enclosure is on p. 197.

were constantly in service throughout the war and whereas the said cannon are the property of the commonwealth of Massachusetts and the Governor thereof having requested they should be returned Whereupon

Resolved, That the Secretary at War cause a suitable inscription to be placed on the said cannon and that he deliver the same to the order of His Excellency the Governor of the commonwealth of Massachusetts.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

The Secretary at War having, represented to Congress "That there are in the Arsenals of the United States two brass cannon which constituted one moiety of the field artillery with which the late war was commenced on the part of America and which were constantly in service throughout the war, that the said cannon are the property of the commonwealth of Massachusetts and that the governor thereof hath requested that they be returned", therupon

Resolved That the Secretary at War cause a suitable inscription to be placed on the said cannon and that he deliver the same to the Order of his Excellency the governor of the commonwealth of Massachusetts.

[Motion of Mr. Dane on settlement of accounts ¹]

Whereas sundry persons intrusted with large sums of public monies during the late war Notwithstanding they have been frequently called upon, have unreasonably neglected to produce the necessary documents and vouchers and settle their Accounts with the United States,

Resolved that it be the duty of the board of Treasury after the first of September next (or sooner where in their opinion the Case may

¹ *Papers of the Continental Congress*, No. 26, pp. 673-674, in the writing of Mr. Nathan Dane. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 191, this motion was referred to a committee, consisting of Mr. Nathan Dane, Mr. Hugh Williamson, Mr. William Irvine, Mr. Alexander Hamilton and Mr. John Brown, which reported May 21, 1788. See May 22, 1788.

require it) to institute Suits in all Cases wherein ~~they~~ it may be for the interest of the United States against all persons who stand charged to the said States with public monies or other property as well in accounts adjusted on incompetent vouchers as in accounts altogether unsettled who have been specially notified in pursuance of the Resolution of Congress of July 2 1786 to settle their Accounts and who have unduly neglected to do the same.

Resolved that the said board cause all other persons who stand charged as aforesaid not included in the Resolution of ~~May~~ the instant to have special notice that in Case effectual measures ~~are~~ shall not be adopted by them before the first day of September next for the final adjustment and settlement of their Accounts with the said United States suits will be commenced against them and in all Cases of neglect and where it may be for the interest of the Union the said board are hereby directed to institute suits accordingly.

Resolved that the aforesaid Resolutions be published in the several States for the period of six weeks and that such publication be considered as due notice to all concerned.

[Letter of Secretary at War on Indian affairs ¹]

WAR OFFICE *May 19, 1788*

SIR: I have the honor to transmit to your Excellency a letter from the Superintendant of indian affairs for the northern district enclosing information from Mess. Wilson and Rankin relative to the favorable dispositions of some of the tribes of indians towards the proposed treaty, and also Speeches from two Chiefs of the Wiandot tribe.

I have the honor to be, etc.,

H KNOX ²

His Excellency

THE PRESIDENT OF CONGRESS

¹ *Papers of the Continental Congress*, No. 150, III, p. 217, read May 19, 1788. The enclosures are copies of a letter of William Wilson and James Rankin to Richard Butler, March 30, 1788, pp. 205-207; two Indian speeches, March 20, 1788, pp. 209-212; and letter of Richard Butler to H. Knox, May 4, 1788, pp. 213-214.

² MAY 19, 1788. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 32, was received (read) the following:

Memorial of B. Tardiveau on behalf of the French and American inhabitants of St. Vincents and Illinois, May 19, 1788, expressing consternation over committee report. *Papers of the Continental Congress*, No. 48, pp. 227-231. See February 25, 1788.

TUESDAY, MAY 20, 1788.

Congress assembled, present New Hampshire Massachusetts, New Jersey, Pennsylvania, Delaware Maryland Virginia and South Carolina and from Rhode Island Mr [Peleg] Arnold, from North Carolina Mr [Hugh] Williamson and from Georgia Mr [Abraham] Baldwin.

Mr William Bingham a delegate for Pennsylvania attended and produced the credentials of his appointment^t

[Credentials of William Bingham, Pennsylvania ¹]

Seal) In the Name and by the Authority of the Freemen
of the Commonwealth of Pennsylvania.

The Supreme Executive Council, of the said Commonwealth,
To the Honorable William Bingham Esquire

Whereas, the General Assembly of this Commonwealth have, by
their Act of the thirteenth Day of November in the Year of our
Lord one thousand seven hundred and eighty seven
B. Franklin elected you a Delegate to represent this State in the
Congress of the United States, You are therefore hereby commission-
ated as such.

Given in Council, under the Hand of His Excellency Benjamin
Franklin esquire, President, and the Seal of the State, at Philadelphia,
this first Day of December in the Year of our Lord one thousand
seven hundred and eighty seven.

Attest.

CHA^s BIDDLE Sec^y

A motion ² of Mr [William] Irvine seconded by Mr [John] Brown being made and under debate "That the post master gen^l be directed to employ posts for the regular transportation of the mail between the city of Philadelphia and the town of Pitsburg in the state of Pennsylvania by the rout of Lancaster, York town, Carlisle, Chamberstown and Bedford

¹ Original credentials, printed form on parchment, indorsed as read May 20, 1788, in *Papers of the Continental Congress*, Pennsylvania Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 255.

² *Papers of the Continental Congress*, No. 36, III, p. 395, in the writing of Mr. John Brown. It is in the form as passed.

and that the mail be dispatched once in each fortnight from the postoffices respectively."

A motion ¹ was made by Mr [Nathan] Dane seconded by Mr [Samuel Allyne] Otis that the consideration thereof be postponed to take into consideration the following motion

"That the postmaster general be authorised and directed to contract for the remainder of the present year for the conveyance of the mail by post riders and by the usual rout once a week from Portland to Pownalborough in Massachusetts." ² And on the question to postpone for the purpose above mentioned the yeas and nays being required by Mr [Samuel Allyne] Otis

<i>New hampshire</i>		<i>Maryland</i>	
Mr Gilman	no	Mr Ross	no
Mr Wingate	no	Mr Seney	no
<i>Massachusetts</i>		<i>Virginia</i>	
Mr Dane	ay	Mr Griffin	no
Mr Otis	ay	Mr Carrington	no
<i>New Jersey</i>		Mr Brown	no
Mr Clarke	no	<i>N^o Carolina</i>	
Mr Dayton	no	Mr Williamson	no *
<i>Pensylvania</i>		<i>S^o Carolina</i>	
Mr Irvine	no	Mr Huger	no
Mr Reid	no	Mr Parker	no
Mr Bingham	no	Mr Tucker	no
<i>Delaware</i>		<i>Georgia</i>	
Mr Kearny	no	Mr Baldwin	no *
Mr Mitchel	no		

So it passed in the negative.

On the question

Resolved ³ That the postmaster gen^l be and he is hereby directed to employ posts for the regular transportation of

¹ *Papers of the Continental Congress*, No. 36, III, p. 397, in the writing of Mr. Nathan Dane.

² The original motion has the following clause, "and once a week from Philadelphia to Pittsburgh in Pensylvania", which is crossed out.

³ See February 27, 1788.

the mail between the city of Philadelphia and the town of Pittsburg in the state of Pennsylvania by the rout of Lancaster, York town, Carlisle, Chamberstown and Bedford and that the mail be dispatched once in each fortnight from the post Offices respectively.

[Motion of delegates of Delaware on posts ¹]

Resolved that the Post Master General be authorised and directed to contract with suitable persons for the regular ~~Establishment~~ transportation of the mail twice in every Week from Wilmington in the State of Delaware to Dover in the Said State, upon the Principles of the resolution ² of Congress of the 15th of February 1787, and if it cannot be carried into effect upon the Principles of the resolut^a afore-said by the first of June next, that the Establishment be made at the Expence of the Gen^l Post Office.

[Report of Board of Treasury on protested bill ³]

The Board of Treasury to whom was referred a Motion of the Honorable the Delegates of the State of Maryland relative to the payment of a Bill drawn by the Honorable William Carmichael on his correspondent in Maryland,

Beg leave to Report

That from a Statement of M^r Carmichaels Account for Salary as adjusted by M^r Thomas Barclay to the 1st April 1784; there appeared to be due to him the sum of Nineteen thousand and forty four Livres, two sols, and one denier.

That subsequent to this period M^r Carmichael appears to have received from M^r Grand, to the 6th of August 1787, the sum of Forty one thousand, five hundred and thirty five Livres and two Sols, which computing the balance due on the former Account, was not sufficient to the payment of his Salary to that period.

¹ *Papers of the Continental Congress*, No. 61, p. 439, in the writing of Mr. Dyre Kearny. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 191, this motion was referred to the Postmaster General to report. Report rendered May 22, 1788.

² *Journals*, vol. XXXII, pp. 59-60.

³ *Papers of the Continental Congress*, No. 139, pp. 663-665, read May 20, 1788. The covering letter of the Board, also read, is on p. 669. Acted on May 21, 1788. See May 16 and 22, 1788.

That the Board have authorised M^r Carmichael on the 5th of December last to draw on the Commissioners of Loans in Holland on Account of his Salary, for the sum of Three thousand Dollars; but that the payments above recited still fall short of the sum due to M^r Carmichael.

The Board therefore submit to the consideration of Congress the following Resolve,

That the Board of Treasury take order for paying to M^r John Brown of Maryland, on account of the arrears of Salary due to William Carmichael Esq^r the sum of Two thousand Dollars and that the above payment be made in such mode as the state of the Treasury will best admit of.

All which is humbly submitted

May 19th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of committee on Western territory ¹]

Additional instructions to the Governor of the Territory of the United States North west of the river Ohio relative to the Treaty to be held with the Western Indians in pursuance of the resolutions of Congress passed in October last.

SIR: An additional sum of twenty thousand dollars has been appropriated for the purposes of procuring a permanent peace with the Indian tribes with which you are authorised to hold a treaty; This sum and 6000 dollars out of the 14000 heretofore appropriated for holding the^d treaty are particularly directed to be applied solely to the purpose of obtaining a boundary advantageous to the United States between them and the said Indian tribes and for further extinguishing, by purchase, Indian titles in case it can be done on Terms beneficial to the Union.

But it is not expected that any further purchase of lands will be made, unless on terms evidently advantageous to the United States or that any part of the said additional sum will be expended but in Cases apparently necessary.

¹ *Papers of the Continental Congress*, No. 30, pp. 143-144, in the writing of Mr. Nathan Dane. Delivered (read) May 20, 1788. The committee consisted of Mr. Nathan Dane, Mr. William Irvine, Mr. Samuel Mix Mitchell, Mr Edward Carrington and Mr. John Brown. Report was acted on July 2, 1788. See March 18 and 24, and May 2 and 15, 1788.

In fixing a boundary between the United States and the Indian tribes, instead of the East and West line mentioned in your instructions, you will endeavour to establish an East and West line as far North as the completion of the forty first degree of North latitude.

Agreed

In your negotiations with the Indians you will make immediate payments so far as you shall have monies in hand, but in Case you shall find it necessary to engage any considerable part of the said additional sum, you are to Stipulate that the payments thereof be made in two or three equal annual instalments the first to be as late in the year 1789 as can be obtained.¹

WEDNESDAY, MAY 21, 1788.

Congress assembled present as yesterday.

On a report² of the board of treas^{ry} to whom was referred a motion³ of the delegates of Maryland

Resolved That the board of treasury take Order for the payment of a bill drawn by William Carmichael Esq^r on M^r John Brown of Maryland and accepted by him for the sum of two thousand dollars.

¹ MAY 20, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 191, the following committee was appointed:

Mr. Edward Carrington, Mr. Abraham Clark and Mr. James R. Reid, on the memorial of T. Hutchins, received May 20, 1788, respecting pay and reappointment. Partial report rendered May 22, and acted on May 23, 1788.

Also according to indorsement and the *Committee Book* was read and referred to the Secretary at War to report:

Letter of Edmund Randolph to Virginia delegates, May 9, 1788, respecting Indian affairs. *Papers of the Continental Congress*, No. 71, II, p. 593. The enclosed letter of Joseph Martin to Randolph, March 13, 1788, is on pp. 597-600. Report rendered May 26 and acted on June 19, 1788.

² See May 20, 1788.

³ See May 16, 1788.

[Report of committee on public accounts ¹]

[Report of Board of Treasury on copper coins ²]

The Commissioners of the Board of Treasury beg leave to Report to Congress

That the Contractor for Copper Coinage having lately made a delivery on Account of his Contract of a parcel of Copper Coin; the Board have turned their attention to the customs at this time prevailing in the circulation of Copper in the several States; and find; that there are but two States in the Union, where Copper passes at so high a rate as the British standard, that is Forty eight Coppers weighing one pound averdupois, for two shillings Sterling.

There are several important reasons for reducing the Nominal Value of the Copper Coin, struck under the authority of the United States which the Board with great deference beg leave to submit to Congress.

1st The stamping a Nominal Value on a piece of Copper far exceeding its real worth, operates as a high Premium to such as chuse to Counterfeit it at home or import it from abroad.

2nd The present rate at which Copper Coin passes, being much below the nominal value of the Fœderal Copper, every attempt to give it a general Circulation agreeably to the standard would in all probability be frustrated.

3rd It being the intention of the Government of Great Britain (according to recent information) to call in their present Copper Coinage to make way for one of a higher Standard, there can be no doubt but large quantities of the old Tower half pence will be exported to America to the great injury of the Public at large, as well as the Mint.

That the present nominal value of the Copper Coin exceeds in a prodigious degree its real value, will appear from the following statement Viz^t.

¹ *Papers of the Continental Congress*, No. 26, pp. 669-670, in the writing of Mr. Nathan Dane. Read May 21, and passed May 22, 1788. The text of the report, with verbal changes to make it an adopted resolve, is entered *verbatim* in the *Journal* on this latter date. See May 19, 1788.

² *Papers of the Continental Congress*, No. 139, pp. 673-682, read May 21, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress* No. 140, I, p. 507. See June 6 and July 16, 1788.

2¼ lb. of Copper Coin of the present standard is equal to British Sterling -----	0.	4.	6
2¼ lb. Ditto struck agreeably to the Proposals of Mess ^r Bridgen and Waller of London delivered on board Ships in the River Thames at 14½ St ^s per lb is -----	0.	2.	8½
Add for Freight, Insurance and Contingent Charges 7½ P C ^t -----	.	2½	
Difference betwixt the value at which it may be furnished; and the present standard is -----	0.	1.	7½
			0. 4. 6

This is upwards of 55 perCent beyond the Cost and Charges of importing it; but if this was done by the Manufacturer (who in all probability would not gain less than 20 PerCent) this added to the difference betwixt the real and Nominal Value, would operate as a premium of 75 PerCent in favor of those who should Import or Counterfeit the present Coinage; to guard against the effects of such a temptation, no Laws of the State Governments, or that of the Union, would in the opinion of this Board, be found adequate. Previous to the conclusion of the Contract with M^r Jarvis, the Board was informed by the Contractor, that he had suggested to the Committee the propriety of adding to the weight of the copper the Premium of Fifteen perCent, which was to be allowed to the United States; but that this proposition was not at that time judged eligible.

The reasons above induced, and the remarks we may have occasion to make in the course of this Report will, we presume, induce the United States in Congress to consider it in a different point of view; and under this impression, we beg leave to suggest,

That the Federal Dollar should contain Three Pounds Averdupois of Copper, instead of Two Pounds and One Quarter as was first intended.

That this should be divided into one hundred cents weighing ----- Grs. 209⁹/₁₀₀ Troy W^t
 The present Copper might then pass for ¾ of a Cent being in Weight ----- 157⁴/₁₀₀
 A smaller Coin struck for ½ Cent ----- 104⁹/₁₀₀
 And a new Coin struck for the Cents weighing as above proposed.

It may at first view be supposed that the United States will actually sustain a loss by this alteration of the Standard; This is founded on a supposition, that the present Coin would be Circulated at the Value annexed to it, by the present Ordinance. But we have no doubt experience would prove, That if the Standard is not altered, the customs prevailing in the several States in the receipt of Foreign Copper Coin would determine the current Value in the market of the present coinage; in which case the proceeds of the Contract of M^r Jarvis would be as follows Viz^t

345 Tons of Copper Coin, at three Pounds		
Avoirdupois for one Fœderal Dollar		
would be.....	Doll ^s	230, 000.
345 Tons of Copper Coin passing at 20 of		
the present pieces for an eighth part of a		
Fœderal Dollar would be.....	207, 000.	
So that the difference in favor of the public		
would be.....	23, 000.	230, 000.

To impress upon Congress more strongly the necessity altering the present Standard of the Copper Coin, the Board beg leave to lay before them, a copper piece struck on the principles of a Promissory Note of hand, and issued by the Anglesey Copper company, for labour, and Articles supplied to their works, as a penny Sterling. This piece will be found to weigh Eighteen penny w^t and sixteen grains Troy weight, which is at least 33¼ per cent more than two of the British Tower halfpence.

This device has rendered the Laws of Great Britain for promoting the circulation of the Copper Coin at the present Standard altogether neugatory, and in all probability has evinced the necessity of raising the standard, as before suggested.

Should the reasons offered in this Report shew the propriety of adopting the Standard recommended by the Board for the Copper Coin to be struck under the Contract of M^r James Jarvis, they beg leave to submit to the consideration of Congress, the following Ordinance, for carrying into effect the Intentions of that Honorable Body on the Premises,

Be it Ordained by the United States in Congress assembled,

That no Copper Coin struck under the Authority of the United States, or that of a particular State, shall pass at a greater value

than one Federal Dollar for Three pounds Avoirdupois Weight of such Copper Coin;

And be it further Ordained. That the Cents composing the Federal Dollar, shall be represented by a Copper Coin, containing Two hundred and Nine grains and 98/100 of a grain Troy weight of pure Copper; that the Copper Coin struck in pursuance of the Act of Congress of the 8th of August 1786, shall pass for three quarters of a Cent, and that a smaller Coin be struck to represent one moiety of a Cent.

And be it further Ordained that such parts of the Acts¹ of Congress of the 8th August and 16th October 1786, as relate to the Standard of Copper Coin, be and the same are hereby repealed, and made void.

All which is humbly Submitted.

May 21st 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE²

THURSDAY, MAY 22, 1788.

Congress assembled present as yesterday and from Rhode-island M^r [Peleg] Arnold.

The committee consisting of M^r [Nathan] Dane M^r [Hugh] Williamson M^r [William] Irvine M^r [Alexander] Hamilton and M^r [John] Brown to whom was referred a motion³ of

¹ *Journals*, vol. XXXI, pp. 503-504, 876-878.

² MAY 21, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 191, the following was referred;

The report of the Secretary for Foreign Affairs, March 25, 1788, on letters of David Howell, and Clark and Nightingale, respecting the sloop America. See March 25, 1788. Referred to the Secretary for Foreign Affairs to take order. The committee on the matter, appointed March 27, 1788, was discharged.

According to indorsement the following were read:

Petition of Elizabeth Wallace, daughter of Robert Patton, May 21, 1788, for the payment of \$400 due her father. *Papers of the Continental Congress*, No. 42, VIII, p. 428, with a copy of the certificate of indebtedness on p. 432. See May 22, June 13 and 24, 1788.

Letter of William Turnbull to Silas [Cyrus] Griffin, President of Congress, May 20, 1788, requesting a copy of a report to Congress. *Papers of the Continental Congress*, No. 78, XXII, pp. 371-372.

³ See May 19, 1788.

Mr Dane relative to public and unsettled accounts having reported,¹

That on carefully examining the subject referred to them they find that during the late war, and especially in the early periods of it, many millions of dollars were advanced by the United States to sundry persons, of the expenditures whereof proper accounts have not been rendered; and though the persons who have been entrusted with public monies have been frequently called upon to settle their accounts by the Acts and officers of Congress yet in many cases they have not produced or exhibited to the proper Officers any documents or vouchers on which regular settlements can be made. That several accounts of very considerable extent have been taken up and so far passed on that balances appear to be stated generally and in some cases payments made, though it does not appear that the proper statements were made of the articles which composed those accounts, or that the regular vouchers were produced to support the charges in them. Accounts thus imperfectly stated and unsupported the committee conceive are justly liable to revision and particularly so as it does not appear that the parties have at any time considered them as being finally settled. That from a general view of this subject the Committee are induced to think and believe that the United States have already suffered very great inconveniences by inexcusable negligence and unauthorised delays in persons entrusted with public monies in not rendering and settling their Accounts and that it is become highly expedient that decisive measures be speedily adopted for closing all the unsettled accounts of the late war ~~Whereupon Resolved~~ and therefore the Com^{rs} are of Opinion That the board of treasury be ~~and they are hereby~~ directed to cause suits to be commenced in behalf of the

¹ See May 21, 1788.

United States against all persons, who stand charged with public monies or other property and that they cause the same to be commenced within three months from this date against all those persons who have been already specially required to settle their accounts by the proper Officers and who shall not within that time adopt and pursue measures effectual in the opinion of the said board for settling the same; and within five months from this date against all other persons so charged and who shall not within that time adopt and pursue like measures. ~~Resolved~~ And That when any material questions shall arise concerning any doubtful or partial settlements of accounts which may have been made or concerning the operation of any particular suits, the said board be ~~and they are hereby~~ directed to state to Congress particularly the circumstances of the case with their Opinion thereon".

*Resolved*¹ That Congress agree to the s^d report.

[Report of Secretary of Congress on petition of Elizabeth Wallace²]

MAY 22, 1788

On the petition³ of Elizabeth Wallace daughter of Rob^t Patton late Messenger to Congress stating that Among the papers of her late father she finds a certificate that 400 dollars are due to him and praying as this was on account of wages, that Congress would be pleased to Order the same to be paid

The Sec^y of Congress reports

Ag^d

That the petition of Elizabeth Wallace be referred to the board of treasury to report.⁴

¹ Broad sides of this resolve, signed by Charles Thomson, are in *Papers of the Continental Congress*, Broad sides.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 76.

³ See May 21, 1788.

⁴ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 191, the petition was referred as indicated in the report. Report rendered June 13, 1788. See June 24, 1788.

[Report of committee on memorial of T. Hutchins¹]

The Committee consisting of M^r [Edward] Carrington M^r [Abraham] Clarke and M^r [James R.] Reid to whom was referred the Memorial of Tho^s Hutchins, beg leave to report in part, that upon examining the Journals of Congress it appears that the appointment of the said M^r Hutchins to the office of Geographer of the United States will expire on the 27th Instant, whereupon the following Resolution is submitted,

That Monday next be assigned for ~~the appointment of~~ electing
 Ag: a Geographer of the United States, [whose commission shall continue for two years unless sooner revoked].

[Report of committee on contract of J. Trowbridge²]

The Com^{tee} [consisting of Mr. Samuel Mix Mitchell, Mr. Edward Carrington and Mr. Samuel Allyne Otis] to whom was referr^d the Petition of Isaac Trowbridge and the report of y^e Post Master Gen^l thereon,

Report,

That the Sum for which y^e Petitioner has contracted to transport the Mail from New York to Hartford in Connecticut is less than it can be perform^d at; and that y^e Contractor who transports the Mail from Hartford to Boston is allowed three hundred and ten Dollars more than is allowed the Petitioner, alth'o the Distance is not so large.

Whereupon your Com^{tee} would Submit the following Resolve viz

That Isaac Trowbridge y^e Contractor for Transportation of the Mail from Hartford to New York, be allowed three hundred and ten Dollars in Addition to the Sum of seven hundred and forty Dollars contracted for.

¹ *Papers of the Continental Congress*, No. 19, III, p. 241, in the writing of Mr. Edward Carrington. Read May 22, 1788. See May 20 and 23, 1788.

² *Papers of the Continental Congress*, No. 19, VI, p. 51, in the writing of Mr. Samuel Mix Mitchell (?). Read May 22, 1788. A resolution was passed touching the memorialist's claim on June 17, 1788. See May 13, 1788.

[Report of Board of Treasury on contract for supplying troops¹]

The Board of Treasury to whom was referred the letter of General Harmar,

Beg leave to Report

That in consequence of a Contract entered into betwixt this Board and Messieurs Turnbull Marmie and C^o of Philadelphia to supply the Troops under General Harmar with Thirty thousand Rations on their route to Post S^t Vincents, the Contractors have exhibited certain documents to prove the offer of the Provisions stipulated for by the Contract; and that the same appear to have been rejected by General Harmar.

That although those documents are not of such a nature, as to render their Claim admissable at the Treasury (more especially as it is declared on the part of General Harmar, that the Provisions were not furnished within the period limited by the Contract) yet it appears equitable that a further investigation should be made of this subject, in Order that if any damage has been sustained by the Contractors on the part of the Public, the same may be made good.

The Board therefore submit to the consideration of Congress the following Resolve Viz^t

That the Board of Treasury in concurrence with the Secretary at War, be authorised and directed to cause an enquiry to be made into the execution of a certain Contract entered into betwixt the said Board and Mess^{rs} Turnbull Marmie and C^o for the supply of the Troops under General Harmar on their late March to Post S^t Vincents; That the same be conducted in such mode as shall appear best adapted for ascertaining the Claims of the Contractors; and that if any damages shall appear to have been sustained by them, the same be made good.²

All which is humbly Submitted.

22^d May 1788.

SAMUEL OSGOOD

WALTER LIVINGSTON

ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 139, pp. 685-687, read May 22 and passed May 23, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 515.

² The change made in the last part of the resolve upon adoption is indicated in the original report.

[Report of Postmaster General on post from Wilmington to Dover ¹]

GENERAL POST OFFICE,
New York May 22^d 1788.

Upon the Motion for the Establishment of a Post between Wilmington and Dover in the State of Delaware, the Postmaster General begs leave to

Report,

That he apprehends there can be no Objections against such an Establishment provided it can be made upon the Principles of the Resolution ² of Congress of the 15th of February 1787; but, as the Rates of Postage have been very considerably reduced, and it cannot yet be known whether there will be a proportionable Increase of the Number of Letters sent by Post, he cannot recommend an Addition to the Expences of the Department at present.

He begs leave to add, that upon the Adoption of the new Constitution, which a very short time will probably effect, such farther Powers will be vested in Congress as will enable them to make the Income of the Post Office not only adequate to every present Exigency, but much more diffusively useful, and an Addition to the Revenues of the Union.

Which is very respectfully submitted.

EBEN HAZARD

[Letter of Secretary for Foreign Affairs transmitting correspondence ³]

OFFICE FOR FOREIGN AFFAIRS
22^d May 1788

SIR: I have the Honor to transmit to your Excellency herewith enclosed, a Letter ⁴ from M^r Adams of 26th March, and one ⁵ from

¹ *Papers of the Continental Congress*, No. 61, p. 435, read May 22, 1788. The covering letter, also read, is on p. 341. This report was superseded by the Act of August 29, 1788. See May 20, 1788. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 35, this report was filed.

² *Journals*, vol. XXXII, pp. 59-60.

³ *Papers of the Continental Congress*, No. 80, III, p. 504, received (read) May 22, 1788.

⁴ *Papers of the Continental Congress*, No. 84, VI, p. 631, read May 22, 1788. It introduces Col. Smith.

⁵ *Papers of the Continental Congress*, No. 87, II, pp. 55-59, read May 22, 1788. It discusses proposal for a new loan in Holland. The enclosures are an estimate, p. 63, and an extract from a letter from Vergennes to the French Ambassador at the Hague, pp. 67-68, with a translation, pp. 71-72. See May 23 and 28, 1788.

M^r Jefferson of 16th March last, together with the Papers that accompanied the latter; and also a sealed Letter directed to the United States in Congress assembled.

I have the Honor to be, etc.,

JOHN JAY.¹

P.S. one of the Papers from M^r Jefferson being in french is translating.

His Excellency THE PRESIDENT OF CONGRESS.

FRIDAY, MAY 23, 1788.

Congress assembled, present New hampshire Massachusetts, New Jersey Pennsylvania, Delaware Maryland and Virginia and from North Carolina M^r [Hugh] Williamson from South Carolina M^r [John] Parker and from Georgia M^r [Abraham] Baldwin.

On a report² from the board of treasury to whom was referred a letter³ of 7 July 1787 from brig gen^l Harmar so far as the same relates to contractors or contracts for provisions,

Resolved That the board of treasury in concurrence with the Secretary at War be and they are hereby authorised and directed to cause an enquiry to be made into the execution of a certain contract entered into betwixt the said board and Mess^{rs} Turnbull Marmie and C^o for the supply of the troops under gen^l Harmar on their late March to post S^t Vincents

¹ MAY 22, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 191, the following was referred to the Board of Treasury to report:

Motion of the delegates of Maryland respecting the protested bill of Mr. Carmichael. See May 16, 1788. Cf. May 20, 1788.

According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 31, the petition of John Porter, respecting emoluments, was debated and postponed. See March 27 and April 10, 1787.

According to indorsement was read:

Letter of Richard Winn to Charles Thomson, March 31, 1788, accepting the office of Superintendent of Indian Affairs for the Southern department. *Papers of the Continental Congress*, No. 78, XXIV, p. 603. See May 23, 1788.

² See May 22, 1788. See also September 21, 1787.

³ See September 20, 1787.

and that they report the circumstances of the case with their Opinion thereon.

On the report¹ of a committee consisting of M^r [Edward] Carrington M^r [Abraham] Clarke and M^r [James R.] Reid to whom was referred a Memorial of Thomas Hutchins

Resolved That Monday next be assigned for electing a geographer of the United States, whose commission shall continue for two years unless sooner revoked.

[Motion of Mr. Williamson on Western territory²]

That the board report to Congress the state of such Contracts as they have made for the sale of Western territory.

[Report of Secretary of Congress on sundry letters³]

MAY 23, 1788

On the letter⁴ of 31 March from Richard Winn accepting the Office of Superintendant of Indian Affairs for the Southern department and enclosing his Oath of Office and bond to the Commissioners of the board of treasury for 6000 dollars conditioned for the faithful discharge of his Office.

The Sec^y of Congress reports

agr^d

That the Oath of Office of R Winn Esq^r be filed in the

Office of the Sec^y of Congress and that his bond be transmitted to the board of treasury to be filed in their Office.⁵

On the letter⁶ of the 16 March from M^r Jefferson at Amsterdam stating his negotiations in conjunction with M^r Adams for a further loan of One million florins.

¹ See May 22, 1788. See also May 26, 1788.

² This motion was entered by Charles Thomson in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 192. It was referred to the Board of Treasury to take order. Report rendered May 26, 1788.

³ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 76-77.

⁴ See May 22, 1788.

⁵ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 192, the bond of Mr. Winn was transmitted to the Board of Treasury in conformity with the report.

⁶ See May 22, 1788. An extract of the letter is in *Papers of the Continental Congress*, No. 25, II, pp. 491-493.

The Sec^y of Congress reports

ag^d

That the letter of the 16 March 1788 from M^r Jefferson be referred to a committee.¹

[Report of Board of Treasury on memorial of G. Morgan ²]

The Board of Treasury to whom was referred the Memorial of George Morgan and his Associates for the purchase of a Tract of Land in the Illinois Country,

Beg leave to refer Congress to their Report³ of the 18th March 1788 on the Application⁴ of I. Woods and Garret Rapelje of the

It is necessary however to observe, that the principles of that Report (so far as they relate to the probability of the execution of the proposals of Mess^{rs} Woods and Rapelje) are in a great degree invalidated, by the respectable Association, in whose behalf the present Memorial is presented; the private property of the parties, being we presume fully adequate to a compliance with their proposed Contract.

Under the above circumstances, the Board are of opinion, that it would be adviseable to enter into a Contract with M^r Morgan, and his Associates, on the same terms, as have been agreed on, on the application of Royal Flint and Joseph Parker; should Congress judge it adviseable (previous to the termination of the approaching Treaty) to enter into any further Contracts for Lands, where the Indian Title has not been extinguished.

With respect to the Application of the Memorialists on the Form of Government which they wish to be Established, within the proposed Purchase; the Board forbear to make any observations as they

¹ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 192, the letter was referred, in conformity with the report, to a committee consisting of Mr. Abraham Baldwin, Mr. Nathan Dane, Mr. Samuel Allyne Otis, Mr. Dyre Kearny and Mr. Edward Carrington. It reported on May 28, 1788.

² *Papers of the Continental Congress*, No. 138, II, pp. 173-175, read May 23, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 192, this report was referred to a committee consisting of Mr. Hugh Williamson, Mr. Nathan Dane, Mr. Edward Carrington, Mr. Dyre Kearny and Mr. Paine Wingate, which reported June 12, 1788. See May 13 and 14 and June 20, 1788. Cf. May 26, 1788.

³ See March 19, 1788.

⁴ See March 12, 1788.

presume this Object (being of a positive nature, and not necessarily connected with the Business of their Department) was not intended by Congress to form part of the Subject in Reference.

All which is humbly Submitted.

22^d May 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letter of Secretary for Foreign Affairs transmitting a letter ¹]

OFFICE FOR FOREIGN AFFAIRS

22^d May 1788

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter ² from M^r de Gardoqui of 24th April last, and one ³ from his Catholic Majesty to Congress, together with Translations of them; and am with great Respect, etc.,

JOHN JAY.⁴

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 502, read May 23, 1788.

² *Papers of the Continental Congress*, No. 97, p. 218, transmitting the letter of the King of Spain.

³ *Papers of the Continental Congress*, No. 97, p. 270, original Spanish, with English translation on p. 272. Dated November 1787, signed by Charles III and countersigned by Joseph Moñino.

⁴ MAY 23, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No 190, p. 192, the following committee was appointed:

Mr. Joshua Seney, Mr. Nathan Dane and Mr. Edward Carrington on a letter of Fred H. Walden to Cyrus Griffin, dated and read May 23, 1788, respecting copper coin. *Papers of the Continental Congress*, No. 78, XXIV, p. 607. Mr. Seney was replaced by Mr. Alexander Hamilton on June 4 and the latter by Mr. Paine Wingate on June 17, 1788.

According to indorsement was read:

Letter of Prince of Orange to the United States in Congress Assembled, March 11, 1788, respecting the retirement of John Adams. Original Dutch, *Papers of the Continental Congress*, No. 59, IV, p. 381.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 33, the following was received (read):

Letter of W^m Heth and David Henley to [President of Congress], May 15, 1788, transmitting their award of 500,000 dollars in specie to be paid by the United States to Virginia as a full compensation for subduing British posts and maintaining garrisons in the Western territory ceded to Congress. See May 26, 1788.

MONDAY, MAY 26, 1788.

Congress assembled present New hampshire Massachusetts New York New Jersey Pensylvania Delaware Maryland, Virginia South Carolina and Georgia and from Rhode island M^r [Peleg] Arnold ~~from New Jersey~~ M^r [Abraham] Clark and from North Carolina M^r [Hugh] Williamson.

M^r Abraham Yates a delegate for New York attended and took his seat, his credentials being before read.¹

M^r William Few a delegate for Georgia attended and produced his credentials which were read.

[Credentials of William Few, Georgia ²]

The State of Georgia by the Grace of God free, Sovereign and Independent,

To the Honorable William Few, esquire.

We, reposing especial trust and confidence in your Patriotism, Conduct and fidelity Have, and by these presents Do nominate and
Geo Mathews appoint you the said William Few a Delegate to represent our said State in the Honorable the Congress of the United States from the first Monday in November Instant, to the first Monday in November next. And for so doing this shall be your Commission.

Witness our trusty and well beloved George Mathews, esquire, our Captain-General Governor and Commander in Chief of our said State under his hand and our great Seal at Augusta this Seventh day of November in the year of our Lord one thousand seven hundred and eighty-seven, and of our Sovereignty and Independence the Twelfth.

By his Honors Command.

[SEAL PENDENT]

J. MILTON, Sec^y

¹ See February 25, 1788.

² Original credentials, indorsed as read May 26, 1788, in *Papers of the Continental Congress*, Georgia Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, p. 256.

Congress, agreeably to the Order of the day ¹ proceeded to the election of a geographer of the United States whose commission shall continue for two years unless sooner revoked and the ballots being taken

M^r Thomas Hutchins was elected having been previously nominated by M^r [Hugh] Williamson

Congress resumed the consideration of the Supplement to An Ordinance for ascertaining the mode of disposing of lands in the Western territory ² and ~~after some debate~~ some progress being made the further consideration thereof was postponed till to morrow.

[Report of Secretary of Congress on letter of W. Heth and
D. Henley ³]

MAY 24, 1788.

On the letter ⁴ of the 15 from William Heth and David Henly, (two of the Com^{rs} appointed, agreeably to ~~the~~ a condition of the act of cession from the state of Virginia, to adjust and liquidate the accounts of the state said against the United States for the necessary and reasonable expences incurred in subduing any british post or maintain[ing] any forts within and for the defence or in acquiring any part of the territory ceded by the said state to the United States) informing that ~~they~~ having in conjunction with J. Pierce the other comm^r ~~having~~ spent much time and labour in adjusting this complicated and important business and being just at the close of it, by his extreme indisposition deprived of his aid and concurrence they have come to a conclusion; and enclosing their Award wherein they agree "That the United States ought in compliance with the said deed of Cession as one of the contracting parties to reimburse the Commonwealth of Virginia the sum of five hundred thousand dollars specie as a full compensation for all expences paid by said commonwealth and incurred as necessary and reasonable in subduing british posts or in maintaining forts or garrisons within and for the defence

¹ See May 23, 1788.

² See March 27, May 27 and July 9, 1788.

³ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 70-71.

⁴ See May 23, 1788.

comprehending forts Jefferson and Nelson or in acquiring any part of the territ[or]y ceded and relinquished to the United States, as specified and stated by the said William Heth and David Henley in the accounts thereunto annexed, And do by the powers in them vested award the said sum of five hundred thousand dollars specie accordingly”.

The Secr^y of Congress reports

²⁶
Negatived

That the Award of William Heth Commiss^r appointed by Virginia and David Henly third com^r be transmitted to the board of treasury and filed in their Office.

[Report of Board of Treasury on sales of land in Western territory ¹]

The Board of Treasury to whom it was referred to report to Congress the State of such Contracts as they have made for the sale of Lands in the Western Territory,

Beg leave to Report

That the Resolves ² of Congress of the 23^d and 27th July, 2^d and 22^d of October last relative to Contracts for Lands in the Western Territory all stand on the same principles; Except in one article of the Agreement proposed to be made with Mess^{rs} Flint and Parker; by which the United States stipulate to extinguish the Indian Title, instead of the same being done by the Contractors agreeably to their proposition.

That no Contract has been completed in consequence of the Resolves of Congress above stated; except with Messrs. Sarjeant and Cutler; the Board not conceiving themselves authorised to conclude any Contract, till the first installment is paid on the respective purchases.

That assurances have been given to the Board of the intentions of M^r Symmes, and of Messrs. Flint and Parker to fulfill their proposed Contracts; except in the case of the Two Million Acre Tract on the Wabash, which the Attorney of M^r Flint in this City informs the

¹ *Papers of the Continental Congress*, No. 139, pp. 689-691, read May 26, 1788. The covering letter of the Board is in *Papers of the Continental Congress*, No. 140, I, p. 519. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 192, this report was referred to the committee of May 23, on the memorial of G. Morgan. It is indorsed “not reported.” See also motion of May 23, 1788.

² *Journals*, vol. XXXIII, pp. 399-401, 429-430, 598-599 and 695-696 respectively. The resolve dated October 2 should be October 3, 1787.

Board cannot (he presumes) be complied with for want of a sufficient number of Subscribers to complete the Purchase.

With respect to that part of the proposed Contract with Messrs. Flint and Parker; which differs in the point we have suggested from the other propositions, Congress will observe that it necessarily arises, from the Indian Title to the same not being extinguished; which is not the case of the other proposed Contracts; and consequently that the agreement with Messrs. Flint and Parker (should it take effect) will stand precisely on the same grounds with those abovementioned.

All which is humbly submitted

May 26th, 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Secretary at War on letter of Governor Randolph ¹]

The Secretary of the United States for the Department of War to whom was referred a letter from his Excellency Governor Randolph dated May the 9th 1788, with another from Col^o Joseph Martin dated the 13th of March last

Reports,

That the situation of the Cherokee nation of Indians appears to merit the peculiar attention of Congress.

That the treaty made with the said nation by the Commissioners of Congress at Keowee in 1785 has been violated by the White inhabitants of the frontiers in a manner injurious to the reputation and dignity of the United States.

That although the acts of Congress of the 26th of October 1787 were intended to comprehend all the tribes of Indians in the southern department, yet as North Carolina have omitted as your Secretary has been informed to appoint a Commissioner agreeably to said Act, and as the hostilities of the Creeks may probably occupy as the most pressing case the first attention of the Commissioners and the temporary Superintendent, Your Secretary submits to Congress the consideration of appointing a temporary agent for the Cherokees. That in all cases where the same may be practicable that he act in conjunction with the Superintendent and the Commissioners appointed

¹ *Papers of the Continental Congress*, No. 151, pp. 347-349, read May 26 and passed June 19, 1788. See May 20, 1788.

by the States of Georgia and South Carolina and that he have particular instructions relative to the Cherokees.

Agreeably to this idea the following Resolve is submitted.

Resolved That an agent be appointed for the Cherokee Nation of Indians to continue in Office six months, the said agent to act in subordination to the Superintendant of the southern department and to govern himself in all cases by the instructions which shall be transmitted to him by Congress.¹

All which is humbly submitted.

H KNOX

WAR OFFICE May 26th 1788.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War respecting stores²]

WAR OFFICE May 26th 1788

SIR: I have the honor to inform Congress that during the present week I shall examine the public stores at the post of West Point agreeably to the Ordinance regulating the duties of the Secretary at War.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

[Letter of Secretary for Foreign Affairs transmitting correspondence³]

OFFICE FOR FOREIGN AFFAIRS 26th May 1788

SIR: I have the Honor of transmitting to your Excellency two Letters which I this Moment received by the french Packet, one from

¹ Additions in another hand have been made to the resolution to make it read as passed on June 19, 1788.

² *Papers of the Continental Congress*, No. 150, III, p. 221, read May 26, 1788.

³ *Papers of the Continental Congress*, No. 80, III, p. 508, received (read) May 26, 1788.

M^r Jefferson ¹ dated the 13th and the other from M^r Short ² dated the 18th March last, and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, MAY 27, 1788.

Congress assembled. Present New hampshire Massachusetts New York New Jersey, Penyslvania Delaware Virginia South Carolina and Georgia and from Rhode island M^r [Peleg] Arnold, from Maryland M^r [Joshua] Seney and from North Carolina M^r [Hugh] Williamson.

Congress resumed the Consideration of the Supplement to an Ordinance for ascertaining the mode of disposing of Lands in the Western territory³ and after debate adjourned till to Morrow.

[Motion of Mr. Williamson respecting F. Cazeau⁴]

That the Sec^y for foreign Affairs transmit to M^r Jefferson our Minister at the Court of Versailles a Copy of such Papers on the files of Congress as respect to the Claims of M^r Francis Cazeau.

WEDNESDAY, MAY 28, 1788.

Congress assembled. Present as yesterday.

¹ *Papers of the Continental Congress*, No. 87, II, pp. 51-52. It discusses the affairs of the United States in the hands of the bankers in Amsterdam.

² *Papers of the Continental Congress*, No. 87, II, pp. 73-76. It treats of treaties with the powers of Europe, war between the two Empires and the Turks, French finances, *lettres de cachet*, and decree encouraging American commerce.

³ See May 26, 28 and July 9, 1788.

⁴ *Papers of the Continental Congress*, No. 36, III, p. 401, in the writing of Mr. Hugh Williamson. Another copy in the writing of Roger Alden is in *Papers of the Continental Congress*, No. 19, I, p. 547. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 192, the motion was referred to the Secretary for Foreign Affairs to take order. The papers were returned to the Board of Treasury on June 9, 1788. See *Journals*, vol. XXX, p. 293 n.

Congress resumed the consideration of the Supplement to an Ordinance for ascertaining the mode of disposing of lands in the Western territory¹ and made some progress.

[Amendment to supplement to land ordinance²]

That the persons intitled to lands by virtue of such warrants shall be at liberty to locate them on any part of the two tracts or districts of land reserved and set apart for the purpose of satisfying the military bounties due to the late army provided that each location be made either in contact with some point or part of the external boundary of the said tracts respectively or of some prior location therein. Locations to be made by causing a survey of the tracts located.

[Report of committee on loan³]

The Committee &c [consisting of Mr. Abraham Baldwin, Mr. Nathan Dane, Mr. Samuel Allyne Otis, Mr. Dyre Kearny and Mr. Edward Carrington] to whom was referred a Letter, &c. beg leave to report

That from the Ideas suggested in the two late Letters of M^r Jefferson, and due Consideration had thereon, it appears to them that the Adoption of the Measure pursued by M^r Adams relative to a new Loan in the United Netherlands of one Million of Florins at this important and critical Juncture of American Affairs would be a wise one, especially as ~~from~~ the almost ascertained inability of this Country to make remittances provisional for the future payment of the foreign Interest, for Some time yet to come evident[ly] appears to your Committee. They further observe that as the Loan contracted for appears to be from every implication upon the same principles with ~~the last Loan~~ that of Last Year for One Mill^a of Florins which was ratified by Congress in October last, They therefore submit the following resolution.

¹ See May 27, 29 and July 9, 1788.

² *Papers of the Continental Congress*, No. 59, III, p. 469, in the writing of Mr. Abraham Baldwin (?). According to indorsement this amendment was agreed to on May 28 and 29, 1788.

³ *Papers of the Continental Congress*, No. 25, II, p. 489, in the writing of Mr. Dyre Kearny. Read May 28, 1788. For ratification of the loan see July 2, 1788. See May 22 and 23, 1788.

That Congress will agree to and ratify the Contract lately entered into by the Hon. J. Adams for the Loan of one Mill^a of Florins should the Same appear to be made on principles the Same, or equally advantageous to the United States with the Loan of 1787, for the same sum.

All which &c.

[Report of Secretary for Foreign Affairs on case of R. Lawrence¹]

[Letter of Secretary for Foreign Affairs transmitting correspondence²]

OFFICE FOR FOREIGN AFFAIRS

27th May 1788

SIR: I have the Honor to transmit to your Excellency herewith enclosed, two Letters ³ from M^r Dumas of 22^d Jan^r and 22^d Feb^r last, together with the Papers that accompanied them and Translations.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, MAY 29, 1788.

Congress assembled present New hampshire Massachusetts New York New Jersey Pensylvania Delaware Virginia North Carolina South Carolina and Georgia and from Rhode island M^r [Peleg] Arnold and from Maryland M^r [Joshua] Seney.

M^r John Swann a delegate for North Carolina attended and produced the credentials of his appointment.

¹ *Papers of the Continental Congress*, No. 81, III, pp. 63-68. Read May 28, 1788. This report is entered *verbatim* in the *Secret Journal Foreign Affairs*, *Papers of the Continental Congress*, No. 5, III, pp. 1688-1695, on June 13, 1788, when it was acted upon. See March 15, 1787 and March 24, 1788.

² *Papers of the Continental Congress*, No. 80, III, p. 512, read May 28, 1788.

³ The Hague, *Algemeen Ryksarchief Stukken afkomstig van C. W. F. Dumas*, Inventaris No. I, letter book copies; L. C. Facsimiles, pp. 944-945 and 950-951. Letter no. 35 of January 22 relates to a petition regarding a sum of money with a postscript on European politics. No. 36 of February 2, (not 22) deals with the political situation in Europe.

[Credentials of John Swann, North Carolina¹]

The State of North Carolina

To the Honorable John Swann of Pasquotank County Esquire,
Greeting.

Whereas the honorable John B. Ashe Esquire, who was by joint Ballot of the General Assembly elected a Delegate to represent us in the Congress of the United States of America for one year to commence on the first day of November last, and was appointed by our Commission bearing date the 22^d day of December Anno Dom. 1786 to execute the said Office, hath resigned and given up his said Commission;

In Confidence of your Fidelity, Skill, and Ability, We have appointed, and by these Presents do appoint you the said John Swann one of our Delegates to represent us in the honorable the Congress of the United States of America in the Room and Stead of the said John B. Ashe Esquire, To have, hold, use, exercise and enjoy the said Office of Delegate in Congress, with all the Rights, Privileges, Pre-eminencies, Authorities and Emoluments to the same belonging or in any ways appertaining untill the first day of November next.

Witness Samuel Johnston Esquire, our Governor, Captain General and Commander in Chief, under his hand, and our Great Seal, at Edenton, this 22^d day of March Anno Dom. 1788, and in the twelfth year of our Independence.

SAM JOHNSTON

By his Excellency's Command

W^m JOHNSTON DAWSON P.S.

[SEAL PENDENT]

Congress resumed the consideration of the supplement to an ordinance for ascertaining the mode of disposing of lands in the western territory² and after debate thereon adjourned.

¹ Original credentials, indorsed as read May 29, 1788, in *Papers of the Continental Congress*, North Carolina Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, pp. 257-258.

² See May 28, June 19 and July 9, 1788.

[Motion of delegates of Georgia on cession of lands¹]

The Delegates of the State of Georgia having laid before Congress, an act² of the legislature of that state empowering the delegates thereof to cede to the United States the claim of the said state to a certain tract of western territory. And the said Delegates having represented to Congress that they are ready to execute a deed of cession in compliance with said act,

Resolved, That Congress are ready to accept the cession of the claim of the State of Georgia to the tract of country described in the act of the said State, whenever the Delegates will execute a deed conformable to the said act.³

FRIDAY, MAY 30, 1788.

Congress assembled present New hampshire Massachusetts, New York, New Jersey, Pensylvania, Delaware Virginia, South Carolina and Georgia and from Rhode island Mr

¹ *Papers of the Continental Congress*, No. 30, p. 597, in the writing of Mr. Abraham Baldwin. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 192, the motion and the Act of Georgia were referred to a committee consisting of Mr. Abraham Clark, Mr. Nathan Dane, Mr. Hugh Williamson, Mr. Alexander Hamilton and Mr. Edward Carrington. Mr. Hamilton was replaced by Mr. Paine Wingate on June 24. The committee report was delivered July 9 and read July 14, 1788. See July 15, 1788.

² *Papers of the Continental Congress*, No. 76, pp. 292-295, certified copy read May 29, 1788. A certificate of the Governor is on p. 290 and a map of the lands ceded on p. 298.

³ MAY 29, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 192, was referred to the Secretary for Foreign Affairs to report:

A resolution of the House of Georgia, in session of January 30, 1788, respecting fugitive negroes, who fled to Spanish territory. *Papers of the Continental Congress*, No. 76, pp. 268-269 (certified copy), with a certificate of the Governor on p. 266 and a letter of Governor Zéspedes to the Governor of Georgia, December 12, 1784, pp. 272-273 with translation on pp. 276-277. Report rendered August 15 and acted on August 26, 1788. Under this last date these papers were entered in a footnote in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1699-1700.

According to indorsement was read:

Memorial of John Macpherson, respecting building of an impregnable fort, finding out of longitude and constructing a church. *Papers of the Continental Congress*, No. 41, VI, pp. 504-506. The receipt for the return of the plan of the fort, dated June 28, 1791, is on p. 508.

[Peleg] Arnold, from Maryland M^r [Joshua] Seney and from North Carolina M^r [Hugh] Williamson.

According to an Order of the day Congress was resolved into a committee of the whole on a petition in behalf of the inhabitants of the district of Kentucky and ~~the~~ a motion made thereon¹

M^r [Samuel Allyne] Otis in the chair.

After some time the President resumed the Chair and the Chairman reported that the com^{ee} of the whole have taken into consideration the subject referred to them but not having time to go through with the same desire leave to sit again.

Resolved That Congress on Monday next be resolved into a com^{ee} of the whole to proceed on ~~this~~ the said business.

[Report of Board of Treasury on memorial of C. Gore²]

The Board of Treasury to whom was referred the Memorial of C. Gore relative to the Attachment laid by the United States on the Property of Geyer, De la Lande and Fynje of Amsterdam,

Beg leave to Report to Congress

That at the time the House of De la Lande and Fynje failed, they were indebted to the United States the sum of 111.652. Florins 14.s 8 d, equal to Doll^s 43.110. 32/90ths.

That in order to secure this Debt the Board directed attachments to be laid at Boston, and Philadelphia on the Property of De la Lande and Fynje qq; of the probable issue of which, the Board have no other information, than the Documents herewith exhibited marked A A. . . . That exclusive of the above there has been recovered by other Attachments, and paid to the Commissioner of the Loan Office in Massachusetts, from the private Estate of De la Lande and Fynje

¹ See February 29, June 2 and July 3, 1788.

² *Papers of the Continental Congress*, No. 138, I, pp. 541-546, read May 30, 1788. The enclosures are on pp. 541-543 (repeated), 545-546, 549-550, 553-555 and 557-559. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 523. According to indorsement and the *Committees Book*, *Papers of the Continental Congress*, No. 190, p. 193, the report was referred to a committee consisting of Mr. Nathan Dane, Mr. Abraham Clark and Mr. Alexander Hamilton, which reported on June 2, 1788. See May 15, 1788.

the Sum of Dollars 6.554. 30/90ths,
and a Judgment obtained against M^r William Foster in Boston from
the said Estate of Ten thousand Guilders which (if satisfied by
M^r Foster) will make a further Payment of 4.000.

That supposing the United States should be able to recover from
the Property of Geyer, De la Lande and Fynje qq the Amount
only of what the Stock of De la Lande and Fynje was in that Co-
partnership (being according to the state of the case by the defendants
about D^{rs} 4.000.) the whole Amount to be recovered ultimately from
the sources above stated would be Doll^s 14.554.30.

It is observeable, however, that the two last Articles which compose
this aggregate depend on the contingency of M^r Foster's ability to
pay the Amount of the Judgment obtained against him, and that of
the Estate of Geyer, De la Lande and Fynje qq to reimburse, to the
Subscribers to that Copartnership, the whole of their respective Stock;
after satisfying the Creditors of the Firm. From this must be de-
ducted the necessary Expence of the Prosecutions, which if Estimated
only at 554 30/90ths Doll^s would leave to be recovered on this state-
ment, the Sum of Doll^s 14.000.

The second mode which presents itself, for the recovery of any
part of the Debt due from De la Lande and Fynje, is to come in with
the Mass of the Creditors of their private Estate, which since the
Attachments at Boston and Philadelphia, has been assigned for their
general Benefit, and which it is supposed may ultimately yield about
5/in the Pound; on which Principle the Sum to be received, ultimately
from that Estate, would be Doll^s 10.775.45

The Memorial of M^r Gore, and his letter to the Board (accom-
panying this Report marked B) presents a third, which if acceded to
would make the Sum recovered by the United States as follows,
Sum already received Doll^s 6.554.30
Ditto in securities or their Equivalent in Specie Esti-
mated at 8.000.

Doll^s 14.554.30

The result of these Statements is that

By the first, there *might ultimately be recovered* on Account of this
debt the Sum of Doll^s 14.000 which is short of 6/8. on the Pound, in
the principal of the Debt.

By the second, there might ultimately be recovered the Sum of 10.775 45/90 D^{rs} which is equal to 5/. in the Pound;

And that,

By the third, there would be actually paid to the United States the Sum of 14.554 30/90ths Dollars; which is somewhat more than 6/8 in the principal of the Debt;

The Board have however to observe, that the comparative Merit of the first, and third Statements, depend on the solidity of the Opinion given by M^r Ingersoll, and M^r Wilson, as to the probable Issue of the Philadelphia Attachment on the Property of Geyer, De la Lande and Fynje.

All the Official Documents relative to this transaction, have been furnished long since to the Council of the United States; and of course, it is to be presumed, they are by this time enabled to form a competent Judgment on the case in Question.

All which is humbly Submitted.

May 29th 1788

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letters of Secretary for Foreign Affairs transmitting correspondence]

OFFICE FOR FOREIGN AFFAIRS

29 May 1788¹

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter² of the 27th Instant from M^r Barclay, and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 516, read May 30, 1788.

² *Papers of the Continental Congress*, No. 91, II, pp. 443-444. Reports that the Emperor of Morocco has lowered duties in favor of America. See June 2 and September 12, 1788.

OFFICE FOR FOREIGN AFFAIRS

30th May 1788¹

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter ² of the 28th Instant from the Count de Moustier with the Papers which accompanied it, and am with great Respect, etc.,

JOHN JAY.³

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, JUNE 2, 1788.

Congress assembled present New hampshire, Massachu-
setts Rhode island New York, New Jersey Pensylvania,
Delaware Virginia, North carolina South Carolina and
Georgia and from New Jersey M^r [Abraham] Clarke.

¹ *Papers of the Continental Congress*, No. 80, III, p. 520, read May 30, 1788.

² *Papers of the Continental Congress*, No. 96, pp. 434-441, read May 30, 1788. A translation is on pp. 442-446 and four enclosures with two translations on pp. 450-471. The papers refer to the extradition of a French Captain accused of a crime. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 193, the note and papers were referred to the Secretary for Foreign Affairs to report. Report rendered June 6, 1788. See June 12, 13 and August 15, 1788.

³ MAY 30, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 193, the following were read and referred:

Petition of Robert Walton, February 24, 1788; for pay for horses supplied to the army. *Papers of the Continental Congress*, No. 42, VIII, p. 439, with a certificate on p. 443. Referred to the Board of Treasury to report. Report read July 16 and acted on July 28, 1788. See July 18 and 25, 1788.

Petition of John Woods, May 30, 1788, for pecuniary assistance. *Papers of the Continental Congress*, No. 42, VIII, pp. 436-437. Referred to the Board of Treasury to report. Report rendered June 4, 1788. See June 6 and 19, 1788.

Petition of Joseph Pannill, April 10, 1788, respecting his accounts and commutation. *Papers of the Continental Congress*, No. 42, VI, pp. 395-396. Referred to the Commissioner of Army Accounts to report. Report rendered June 6, 1788. The accompanying papers were delivered to George Mathews on July 14, 1790.

According to indorsement was read:

Letter of S. Huntington to President of Congress, May 24, 1788, advising that delegates of Connecticut will attend in a few days. *Papers of the Continental Congress*, No. 66, II, p. 386.

Also according to the *Committee Book*, the Board of Treasury rendered a report on the petition of Hannah Pierce (not located). See March 24, 1788.

Mr Jonathan Hazard a delegate from Rhode island attended and produced the credentials of his appointment.

[Credentials of Jonathan Hazard, Rhode Island ¹]

By His Excellency John Collins, Esquire, Governor, Captain-General, and Commander in Chief, of the State of Rhode-Island and Providence-Plantations.

To Jonathan Hazard Esq^r Greeting.

You the said Jonathan Hazard being, at the General Election held at Newport, on the First Wednesday in May instant, chosen one of the Delegates to represent this State in the Congress of the United States of America, for One Year from the First Day of November next, and until another shall be appointed to take your Place, are hereby authorized and empowered to represent this State in the said Congress, during the Time aforesaid, agreeably to your said Appointment.

Given under my Hand, at Newport, and the Seal of the said State, this Seventh Day of May A. D. 1787, and in the Eleventh Year of Independence.

(Seal)

JOHN COLLINS

By His Excellency's Command

HENRY WARD *Secry*

On a report ² of a com^{es} consisting of Mr [Nathan] Dane Mr [Abraham] Clarke and Mr [Alexander] Hamilton to whom was referred a report of the board of treasury relative to the debt due to the United States from De la Lande and Fynje

Resolved That the board of treasury be and they are hereby authorised to negotiate and settle with De la Lande and Fynje or any person appearing to negotiate and settle the same, the claims and demands which the United States have

¹ Original credentials, indorsed as read June 2, 1788, in *Papers of the Continental Congress*, Rhode Island Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 259.

² The original report, in the writing of Mr. Nathan Dane, is in *Papers of the Continental Congress*, No. 19, III, p. 405, read June 2, 1788. See May 15 and 30, 1788.

against the said De la Lande and Fynje and to compound and settle the same on such terms as they may judge most for the interest of the said states taking into consideration all the circumstances relative to the said debt.

According to order the house was resolved into a com^{ee} of the whole and after some time the president resumed the chair and Mr [Samuel Allyne] Otis reported that the Com^{ee} of the whole had taken into Consideration the subject referred to them and agreed thereon to report ¹

“That in their opinion it is expedient that the district of Kentucky be erected into an independent state and therefore they submit the following resolution, That the address and resolutions from the district of Kentucky² with the acts of the legislature of Virginia therein specified be referred to a committee consisting of a member from each state, to prepare and report an act³ for acceding to the independence of the said district of Kentucky and for receiving the same into the Union as a member thereof, in a mode conformable to⁴ the Articles of Confederation.

⁵On a report⁶ of the Secretary to the United States for the department of foreign Affairs to whom were referred two letters from his Most Christian Majesty dated the 30th September 1787

¹ *Papers of the Continental Congress*, No. 20, II, p. 335. See February 29, March 4, May 30, June 3, July 2 and 3, 1788.

² The phrase “in the state of Virginia” was struck out from the original.

³ The original reads “a proper act” instead of “an act”.

⁴ “Conformable to” was substituted for “consistent with” in the original.

⁵ From this point to the end of the day the entries were made by John Fisher and attested by Charles Thomson, in *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 415-418. They were also entered by Charles Thomson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1682-1683.

⁶ *Papers of the Continental Congress*, No. 81, III, pp. 71-73, read June 2, 1788. See February 5 and 27, 1788.

Resolved That the following Answers be returned,

GREAT AND BELOVED FRIEND AND ALLY

The conduct of your Majestys Minister the Chevalier de la Luzerne during his residence with us, was commendable and satisfactory, and it gives us pleasure to Assure you that we entertain a high opinion of his Merits. The manner in which, by your Majestys Order he has taken leave of us Manifests his attention to your dignity and interests, and affords Strong evidence of his attachment to the prosperity and happiness of these States. We pray God to have you, our great and beloved friend in his holy keeping. Written at New York the second day of June 1788. By your good friends the United States of America in Congress Assembled.⁴

CHA^s THOMSON Sec^y

GREAT AND BELOVED FRIEND AND ALLY

The choice you have been pleased to make of the Count de Moustier to succeed the Chevalier de la Luzerne is perfectly agreeable to us. We flatter our-

^A The translation of the letter,¹ to which the above is an Answer is as follows,

VERY DEAR GREAT FRIENDS AND ALLIES. The Chevalier de la Luzerne having terminated the time which we had fixed for his residence with you in quality of our Minister plenipotentiary, we have ordered him to take leave of you by writing. The prudent and enlightened conduct which he constantly observed during the course of his Mission add to the proofs which he had before given of his zeal for our service. We are persuaded he will equally to our entire satisfaction acquit himself of the order which we have given him, to assure you in terms the most expressive of our Affection and of our sincere friendship for you. He cannot too strongly paint to you the lively interest which we take in the prosperity of the United States in general, and in that of each of them in particular. On this we pray God that he will have you very dear great friends and Allies in his holy keeping. Done &ca.

¹ See February 5, 26 and 27, 1788.

selves that he will with equal zeal and ability with his predecessor, endeavor to promote and reconcile the essential interests of both Countries, and Study to preserve and encrease the mutual attachment and intercourse which happily subsists between them.

We receive with great pleasure the kind and explicit assurances of friendship contained in both of your Majesty's letters of the 30th of September last; a long series of important good Offices have afforded us ample proof of it, and we cannot omit this occasion of conveying to you our sincere acknowledgements for the recent marks exhibited in the Commercial favors you have lately been pleased to confer on the United States. We pray God to have you our great and beloved friend and Ally in his holy keeping. written at New York the second day of June 1788, By your good friends, the United States of America in Congress Assembled.^B

CHAS THOMSON *Secy.*

^B The translation of the letter ¹ to which the above is an Answer is as follows,

VERY DEAR GREAT FRIENDS AND ALLIES. Particular reasons relative to the good of our service have determined us to appoint a successor to the Chevalier de la Luzerne our Minister plenipotentiary with you. We have chosen the Count de Moustier to take his place in the same quality. The marks of zeal which he has hitherto given us, persuade us that on this New Occasion he will conduct himself in such a manner as to render himself agreeable to you, and more and more worthy of our good will. We pray you to give full faith to whatever he may say to you on our part, particularly when he shall assure you of the sincerity of our wishes for your prosperity, as well as of the constant affection and friendship which we bear to the United States in general and to each of them in particular. We pray God, that he will have you, very dear great friends and Allies in his holy keeping. Written at Versailles the 30th September 1787, Your good friend and Ally,

(Signed) LOUIS
C^T. DE MONTMORIN

¹ See February 5, 26 and 27, 1788.

[Report of Secretary of Congress on letter of T. Barclay ¹]

June 2, 1788

On the letter ² of 27 May from Mr T. Barclay containing an extract of a letter from Mr J Chiappi the American Agent at Mogadore: As the said extract contains an Account of orders given by the Emperor of Morocco that American vessels arriving in his ports with merchandize shall only pay a duty of 5 percent on the value of the goods imported which is but one half the duty formerly paid; and as it is part of the duty of the Sec^y for foreign Affairs to "correspond with the governors or presidents of all or any of the United States affording them such information from his department as may be useful to their States or to the United States"

The Sec^y of Congress reports

ag^d That the letter of 27 May from Mr T. Barclay be referred ³ to the Secretary for foreign Affairs.⁴

TUESDAY, JUNE 3, 1788.

Congress assembled present New hampshire Massachusetts, Rhode island New York New Jersey Pensylvania Delaware Virginia South Carolina and Georgia and from North Carolina Mr [Hugh]Williamson.

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 77.

² See May 30, 1788.

³ According to indorsement the letter was referred, on June 2, 1788, to the Secretary for Foreign Affairs in accordance with the report. The *Committee Book* dates the reference June 3, 1788. The Secretary reported September 12, 1788.

⁴ JUNE 2, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 193, the following committees were appointed:

Mr. Abraham Baldwin, Mr. Paine Wingate and Mr. Hugh Williamson on a letter of Jonathan Burrall to the President of Congress, May 31, 1788, respecting postage on accounts of R. Wylly. *Papers of the Continental Congress*, No. 78, IV, p. 573, read June 2, 1788. The committee reported June 9 and action was taken June 11, 1788.

Mr. Nathan Dane, Mr. Alexander Hamilton and Mr. John Brown on the petition of John Buchanan, Robert Harris, Sam Jones and Daniel Baldwin, June 2, 1788, respecting their pensions. *Papers of the Continental Congress*, No. 42, I, p. 435, read June 2, 1788. The committee also considered the invalid establishment. Report rendered June 6 and acted on June 11, 1788.

Congress took into consideration the report made yesterday from the Committee of the whole and on the question

Resolved That Congress agree to the said report.¹

Congress thereupon proceeded to the election and the ballots being taken the following members were elected and appointed to compose the Committee²

Mr [Hugh] Williamson	from	North Carolina
Mr [Alexander] Hamilton		New York
Mr [Peleg] Arnold		Rhode island
Mr [Abraham] Baldwin		Georgia
Mr [Nathan] Dane		Massachusetts
Mr [Dyre] Kearny		Delaware
Mr [Nicholas] Gilman		New hamshire
Mr [John] Brown		Virginia
Mr [Abraham] Clarke		New Jersey
Mr [Thomas Tudor] Tucker		South Carolina
Mr [James R.] Reid		Georgia

[Report of Board of Treasury respecting loans³]

The Board of Treasury to whom it was referred to Report on their Letters⁴ to Congress of the 27th February and 17th April last; relative to a proposition of the Commissioners of Loans in Holland, for paying in Specie a certain proportion of the Domestic Debt, held by the Citizens of the United Netherlands,

Beg leave to lay before Congress an Extract of a Letter from the said Commissioners of the 28th of March last, by which it appears

¹ See June 2 and July 3, 1788.

² This committee is entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 193. On June 17 Mr. Hamilton was dropped from the committee and Mr. Ezra L'Hommedieu, Mr. Pierpont Edwards and Mr. Benjamin Contee were added. The committee was discharged July [3] 1788. The documents referred were the address and resolutions of the District of Kentucky. See February 29, 1788.

³ *Papers of the Continental Congress*, No. 139, pp. 705-706, read June 3, 1788. The extract from the letter of the Commissioners is on pp. 707-709. This report was made obsolete by the ratification of the loan on July 2, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 527. See May 5, 1788.

⁴ See February 28 and May 2, 1788. The letter referred to as of February 27 is apparently that of February 23, 1788.

that measures have been taken by them in concurrence with the Honorable M^r Adams, and M^r Jefferson, not only to provide for the June Interest; but to face all demands against the United States in Holland to the year 1790; and consequently that were the proposition formerly made by the Commissioners in order to secure the payment of the above Interest, in other respects unexceptionable (which in the opinion of this Board is far from being the case) the necessity of adopting the same is superseded.

All of which is humbly submitted

June 2^d 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE¹

WEDNESDAY, JUNE 4, 1788.

Congress assembled present as yesterday.

On motion² of M^r [Edward] Carrington seconded by M^r

Resolved That the board of treasury take order for the payment of four hundred dollars to the guardian of Hugh Mercer son of the late gen^l Mercer for his education for one year commencing on the 27 of April last.

On motion of M^r [Nathan] Dane seconded by

Resolved That the board of treasury take order for the payment of four hundred dollars to John Warren guardian of the eldest son of the late gen^l Warren for his education for the term of one year commencing the 4th day of July last.

¹ JUNE 3, 1788. According to indorsement was read:

Letter of John Fitch to President of Congress, May 23, 1788, enclosing a pamphlet to prove he is the inventor of the steamboat. *Papers of the Continental Congress*, No. 78, IX, p. 641. The enclosed pamphlet is on pp. 583-618.

² *Papers of the Continental Congress*, No. 19, IV, p. 63, in the writing of Mr. Carrington. A vote is recorded on the reverse of this document.

[Report of Board of Treasury on memorial of J. Woods ¹]

BOARD OF TREASURY,
June 4th 1788.

The Board of Treasury to whom was referred the Memorial of John Woods,

Beg leave to Report,

That the Claims of the Memorialist against the United States, have been fully considered, and reported on to Congress by this Board, and that in consequence it was Resolved by that Honorable Body on the 15th Instant

"That the Sum of Fifteen hundred and eighty seven Dollars and 30/90ths. heretofore paid to John Woods, for service and Expences in attending Indians in the Years 1785 and 1787; be in full compensation of all his claims and demands whatsoever against the United States for the purposes aforesaid."

That any distresses which the Memorialist may be subjected to, are imputable to his pertinacious adherence, in prosecuting unwarrantable and extravagant Claims against the United States; although a liberal allowance had been made to him for services altogether unauthorised; and that to make him any further allowance, would only encourage others, in following an Example, highly injurious to the Public Interest.

With respect to the Warrant on the State of Pennsylvania for Five hundred Dollars, which was delivered to the Memorialist in part Payment of the Sum of 1587 30/90ths. Dollars as above stated,

The Board beg leave to observe that the same was delivered to him with an express agreement that it should be in full of all further Claims against the United States.

All which is humbly Submitted.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

~~On a report of Board of treasury to whom was referred a memorial of John Wood~~

~~Resolved That the memorial of John Woods be dismissed:~~

¹ *Papers of the Continental Congress*, No. 138, II, pp. 589-591, read June 4, 1788. Two enclosures are on pp. 593 and 597-598. See May 30, and June 6, 13 and 19, 1788.

On the report ¹ of a com^{ss} consisting of Mr [William] Ellery, Mr [John] Bull and Mr [Samuel] Holten to whom was referred a memorial ² of John Halsted late of Canada

Resolved That the Commissioners of the board of treasury take order for paying to John Halsted the sum of thirteen hundred and twenty six dollars and eighty ninetieths of a dollar being the balance which became due to him May 1776 according to an adjustment of his account by Jonathan Burrall commissioner of the commissary department with the interest thereof or such part of the said balance as the state of the finances will admit, first deducting therefrom the sum of four hundred dollars paid to the said John Halsted by the late superintendant of finance on the 30th day of Oct 1783.

On a report ³ from the board of treasury to whom was referred a memorial ⁴ of Mr David Henley third Commissioner for settling the claims of the State of Virginia on account of the western territory ceded by that state to the United States

Resolved That the expences attending the service of David Henley, the third commissioner appointed to adjust certain claims on account of the western cession made by the state of Virginia in pursuance of the act ⁵ of Congress of the 13th day of April 1785 ought in the Opinion of Congress to be a joint and equal charge against the State of Virginia and the United States.

Resolved That on the part of the United States there be allowed to the said David Henley at the rate of three dollars

¹ *Papers of the Continental Congress*, No. 19, III, pp. 13-15, read March 28, 1785. See *Journals*, vol. XXVIII, p. 207.

² *Papers of the Continental Congress*, No. 42, III, pp. 461-462, read March 24, 1785. See *Journals*, vol. XXVIII, p. 196n.

³ See February 1, 1788.

⁴ See July 6, 1787. *Journals*, vol. XXXII, p. 308n.

⁵ *Journals*, vol. XXVIII, p. 261.

per day on Account of his service and expences whilst attending on that business.¹

THURSDAY, JUNE 5, 1788.

Six states only attending namely New hamshire Massachussets Rhode island New York, Virginia and Georgia and from New Jersey M^r [Abraham] Clarke from North Carolina M^r [Hugh] Williamson and from South Carolina M^r [John] Parker the president adjourned Congress till to Morrow.

FRIDAY, JUNE 6, 1788.

Congress assembled present New hampshire Massachussets Rhode island, New York New Jersey Delaware Virginia South Carolina and Georgia and from Pensylvania M^r [James R.] Reid and from North Carolina M^r [Hugh] Williamson.

On the report² of a com^{ee} consisting of M^r [Abraham] Clark M^r [William] Irvine M^r [John] Armstrong M^r [Jeremiah] Wadsworth and M^r [John] Brown to whom was referred a motion³ of M^r [William] Irvine

¹ JUNE 4, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 194, the following committees were appointed:

Mr. Abraham Baldwin, Mr. Dyre Kearny, Mr. Nicholas Gilman, Mr. Nathan Dane and Mr. William Bingham, on the letter of November 15, 1787 from the Governor of Georgia and a committee report of that State regarding the Creek Indians. This was a renewal of the committee of February 1, 1788. Mr. Pierpont Edwards replaced Mr. Kearny on June 17. The committee reported June 20, 1788. See June 27 and July 15, 1788.

Mr. Nicholas Gilman, Mr. Dyre Kearny, Mr. Samuel Allyne Otis, Mr. Hugh Williamson and Mr. Edward Carrington on the letters of Baron von Steuben and General Washington. This was a renewal of the committee of February 1, 1788. Mr. Kearny was replaced by Mr. Ezra L'Hommedieu on June 24. The committee reported July 7, 1788. See July 9, 25, August 25 and September 11, 1788.

Also according to the *Committee Book*, a petition of Hardouin Merlet, received June 4, 1788, asking for assistance, was referred to the Board of Treasury to report. Report rendered June 17, 1788.

² See March 6, 1788. A copy of the proceedings on this report is in *Papers of the Continental Congress*, No. 55, pp. 337-338.

³ See February 25, 1788.

Resolved That the geographer of the United States be and he is hereby directed to ascertain, by himself or by a deputy duly appointed for the purpose, the boundary line between the United States and the States of New York and Massachusetts agreeably to the deeds of cession of the said States.

That the said geographer ~~or his deputy~~ having inform the executives of the states of New York and Massachusetts of the time of running the said line in Order that they or either of them may if they think proper have persons attending at the time.

That the said geographer or his deputy having run the meridian between lake Erie and the state of Pennsylvania and marked and noted down in his field book proper land marks for perpetuating the same shall proceed to make a survey of the Land lying west of the said line between lake Erie and the state of Pennsylvania so as to ascertain the quantity thereof and make return of such survey to the board of treasury, who are hereby authorised and empowered at any time before or after such survey to sell the said tract in whole at private sale for a price not less than three fourths of a dollar per acre in specie or public securities drawing interest.

[Motion of the delegates of Virginia on submission of accounts ¹]

It having been represented to Congress by the Governor of Virginia that peculiar circumstances prevent the exhibition of the Accounts of the said State, to the Commissioner on the part of the United States, within the time limitted by the Ordinance ² of the day of 1787,

¹ *Papers of the Continental Congress*, No. 71, II, p. 609, in the writing of Mr. Edward Carrington. A letter of Andrew Dunscomb to the Governor of Virginia, May 23, 1788, regarding this subject, is on pp. 601-607. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 194, the motion and letter were referred to the Board of Treasury to report. Report rendered June 23 and acted on June 24, 1788.

² Ordinance of May 7, 1787. *Journals*, vol. XXXII, pp. 262-266.

Resolved that months in addition to the time ~~allowed~~ prescribed by the said Ordinance be allowed to the State of Virginia for exhibiting the Accounts of the said State against the U. S. in pursuance of the said Ordinance of the day of 1787

[Report of committee on invalid establishment ¹]

The Committee consisting of [Mr. Nathan Dane, Mr. Alexander Hamilton and Mr. John Brown] to whom was referred the petition of John Buchanan and other invalids; and to whom also it was referred to take into consideration the invalid establishment and report thereon, report,

That it appears by the Acts of Congress provision has been made, whereby all persons who have been wounded or disabled in the service of the United States, may be entered on the lists of invalids, and become intitled to the pensions directed by those acts, on producing the evidence and documents required by them. That each State is authorised to appoint a person or persons to make out those lists, and to determine what persons shall be born thereon, and be intitled to the benefits of this establishment. That each State is ~~intitled to~~ impowered and ~~required~~ requested to pay to its invalids the sums to which they may be respectively entitled, and to charge them to the United States, and by the resolutions ² of the 7th of June 1785 it is provided that the payments ~~to be~~ made by the States shall be "deducted from the respective quotas of the States for the year on which they shall be made".

By the same resolutions of June 1785 also direct that copies of the lists of invalids shall be transmitted to the Office of Secretary at war within one year after the State shall pass a law in pursuance of the same resolutions, and in like manner lists from year to year. On an examination of the Subject referred to them, the Committee find that only six States have returned lists of their invalids in compliance with the resolutions of Congress; and that only two States have exhibited accounts of monies advanced to invalids, and from any information they can collect, they find it impracticable to determine how extensive the invalid establishment is, how it has been carried into effect or what sums of monies have been advanced by the States

¹ *Papers of the Continental Congress*, No. 22, pp. 257-259, in the writing of Mr. Nathan Dane. Read June 6, 1788. See June 2 and 11, 1788.

² *Journals*, vol. XXVIII, pp. 435-437.

on it. However, from the returns made and accounts exhibited the Committee find the invalid lists are so considerably increased that the annual expences of the establishment, probably, amounts to about 90,000 Dollars; and that these lists are still increasing. And in the Opinion of the Committee they will become unduly extended if particular Care be not taken to prevent persons being placed on them who are not intitled to the benefits of the resolutions.

Doubts also appear to exist, whether on a true construction of the Said resolutions of June 7th 1785, a State can have credit on the Specie requisitions of Congress for monies advanced by it to invalids before those resolutions passed. to remove these doubts; to prevent an improper extension of this establishment, and to provide that the pensions due or which may become due, in consequence of it may continue to be paid, the Committee submit the following resolutions,

Resolved that for such Sums as become due to invalids in pursuance of the Acts of Congress before the 7th day of June 1785 and which have

postponed

been or shall be paid to them by any State; the State shall have credit in its general Account with the United States; and for such sums as have or shall become due to invalids on and after the said 7th day of June 1785; and which are or shall be paid by any State in conformity to the Acts of Congress; the State shall have credit on the Specie requisitions of Congress and for such sums as become due before the 7th of Dec^r 1787 on the existing requisitions; And on future requisitions for such sums as shall become due after the said 7th day of Dec^r 1787.

Resolved that no pensions be paid to invalids in any State until the annual list of them shall have been transmitted to the Secretary at war, with the certificates and evidence whereon the same shall be founded, and he shall have examined and approved the same list, and transmitted a copy thereof to the board of Treasury, and the said board shall have given their warrant authorising payment.

Resolved that it be and it is hereby recommended to the legislatures of the several States to direct that lists of the invalids in their respective States be transmitted to the Secretary at war as soon as practicable for the present year, and annually hereafter sometime in the month of May, and that they cause the accounts of monies advanced to invalids by the States respectively to be exhibited regularly from time to time to the board of Treasury.

Resolved that no account for monies advanced as aforesaid shall be allowed unless exhibited to the said board within one year from this time, or hereafter within one year after such
 ag: account shall be paid by the State, and that no person shall be entitled to a pension as an invalid who has not, or shall not before the expiration of six months from this time, make application therefor, and produce the requisite certificates and evidence to entitle him thereto.

[Letter of Secretary at War on affairs of the frontier ¹]

WAR OFFICE,
 June 4th 1788.

SIR: I have the honor to transmit to your Excellency, the extract of a letter from Major Doughty, commanding the garrison at Musk- ingum, which contains the latest information received at this office, from the frontiers.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Secretary for Foreign Affairs on protest of French minister ²]

OFFICE FOR FOREIGN AFFAIRS
 6th June 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Note from the Minister plenipotent^y of France, dated the 28th May, with the Papers that accompanied it,
 Reports

That this Note, for the Facts and Reasons therein set forth, contains a Requisition that Joseph Marie Anne Ferrier a Frenchman

¹ *Papers of the Continental Congress*, No. 150, III, p. 233, read June 6, 1788. The extract of Major Doughty's letter of May 16, 1788 is on p. 229 with its enclosure on p. 225.

² *Papers of the Continental Congress*, No. 81, III, pp. 75-76, read June 6, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 194, the report was referred to a committee consisting of Mr. Alexander Hamilton, Mr. Nathan Dane, Mr. Jonathan Dayton, Mr. Samuel Allyne Otis and Mr. Edward Carrington. Report rendered June 12 and acted on June 13, 1788. See May 30, 1788.

now in the Commonwealth of Virginia, be delivered to the Orders of his most Christian Majesty; and this Note also urges Congress to ratify the consular Convention heretofore concluded in behalf of the two Countries by their respective Ministers.

With respect to the *Requisition* your Secretary is of Opinion, as the Facts and Circumstances alledged in the Note are so stated as at least to imply a Complaint against the Executive of Virginia, that a Copy of the said Note and of the Papers which accompanied it should, previous to any other Steps or Measures, be transmitted to his Excellency the Governor of that Commonwealth, and that he be requested to communicate to Congress such Information on the Subject as may appear to him proper and necessary.

With respect to the consular Convention, it does not seem necessary that any further Communication relative to it be made to the Minister, than that Instructions on that Head have been given to Mr. Jefferson.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

[Letter of Secretary for Foreign Affairs respecting attendance at Convention ¹

NEW YORK 4th June 1788

SIR: The City and County of New York have elected me one of their Deputies to the State Convention, which is to meet on the 17th instant at Poughkeepsie to consider and decide on the proposed federal Constitution. If it be agreeable to Congress I will attend, if not I will decline the Appointment. Permit me therefore to request their Directions on the Subject.

I have the Honor to be with great Respect, etc.,

JOHN JAY.²

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 524, According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 194, the letter was referred to the Secretary of Congress to take order to inform Mr. Jay that he had leave to attend if he chose. A copy of the letter of Thomson to Jay, June 7, 1788, is in *Papers of the Continental Congress*, No. 18 B, pp. 148-149.

² JUNE 6, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 194, the following committees were appointed:

Mr. Abraham Baldwin, Mr. Nathan Dane, Mr. Jonathan Dayton, Mr. Dyre Kearny and Mr. Nicholas Gilman on petition of Levi Pease and others, June 5,

MONDAY, JUNE 9, 1788.

Congress assembled present New hampshire Massachusetts, Rhode island, New York, New Jersey Pennsylvania Delaware Virginia, South Carolina and Georgia and from Connecticut Mr [Pierpont] Edwards and from N^o Carolina Mr [Hugh] Williamson.

Mr Pierpont Edwards the delegate for Connecticut produced the Credentials of his appointment which were read.

[Credentials of Pierpont Edwards, Connecticut ¹]

State of Connecticut

(Seal) At a General Assembly of the State of Connecticut in America, holden at New Haven on the second Thursday of October Anno Dom. 1787

Resolved by this Assembly that Pierpont Edwards Esquire, be and he is hereby appointed and declared a Delegate to serve in the Congress of the United States for the Year ensuing, for this State instead of the Honorable William Sam^l Johnson Esquire, who had served in 1788, regarding mail contracts. *Papers of the Continental Congress*, No. 42, VI, pp. 401-402, read June 6, 1788. A motion for the carriage of the mail for 1789 was also referred to this committee. Report rendered July 1 and acted on July 3, 1788.

Mr. Thomas Tudor Tucker, Mr. Abraham Clark and Mr. Nathan Dane on the report of the Board of Treasury on copper coin. See May 21, 1788. Report rendered July 16, 1788.

Also according to the *Committee Book*, was referred to the Board of Treasury to report:

Report of Board of Treasury on petition of J. Woods. See June 4, 1788. Report rendered June 13. See also May 30 and June 19, 1788.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 34, advice of the ratification of the Constitution by South Carolina was received (read).

According to *Reports of Committees*, *Papers of the Continental Congress*, No. 189, p. 35, the report of the Commissioner of Army Accounts on the petition of Lieut. Col. Pannill was delivered (read). This report was filed. See May 30, 1788.

¹ Original credentials, indorsed as read June 9, 1788, in *Papers of the Continental Congress*, Connecticut Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 260.

Congress for the Term of three Years last past and was therefore ineligible.

A true Copy of Record
Examin^d

By GEORGE WYLLYS *Secret^y*

On motion of Mr [Abraham] Clarke

Ordered That the board of treasury lay before Congress an estimate of the sums necessary for the services of the year 1788 including the interest on the foreign and domestic debt and the amount of the capital of the foreign which will become due in the year 1789.

[Report of committee on letter of J. Burrall ¹]

The Committee consisting of Mr [Abraham] Baldwin Mr [Paine] Wingate and Mr [Hugh] Williamson to whom was referred a Letter from Mr Burrall submit the following resolve

That the Post Master General be instructed in examining dead Letters that in Case he shall find any Letters or Packages directed to any Accountant or other Officer of the U S or ~~respecting the Duties of their Office~~ on public Business he deliver the same to the Officer or Officers to whom directed free from any charge of Postage.

Agreed.

WEDNESDAY, JUNE 11, 1788.

Congress assembled present New hampshire Massachusetts Rhode island New York New Jersey Pensylvania Virginia South Carolina and Georgia and from Connecticut Mr [Pierpont] Edwards from Delaware Mr [Nathaniel] Mitchell and from North Carolina Mr [Hugh] Williamson.

[Motions on invalid establishment ²]

That for ~~all~~ such sums as have become ~~or shall become~~ due from to invalids in pursuance ~~to~~ of the acts of Congress since the day

¹ *Papers of the Continental Congress*, No. 19, I, p. 467, in the writing of Mr. Hugh Williamson. Read June 9, 1788. See June 2 and 11, 1788.

² *Papers of the Continental Congress*, No. 22, p. 261, undated. The first motion is in the writing of Mr. Thomas Tudor Tucker and the second of Mr. Abraham Clark.

of in the year 1781 and until the last which have been or shall be paid to them by any state such ~~the~~ State shall have credit on the specie requisitions of Congress heretofore made.

That for all such Sums as have become due to invalids Conformable to Acts of Congress Since the 1st of Jan^y 1782, which have been or shall be paid to them by any State, such State Shall have Credit on the Specie requisitions of Congress for the respective years on which such payments have been or may be made.

On the report of a com^{ee} ¹ consisting of M^r [Nathan] Dane M^r [Alexander] Hamilton and M^r [John] Brown to whom was referred a petition ² of John Buchanan and other invalids and who were ordered to take into consideration the invalid establishment

Resolved ³ That each state shall have credit in its general Account with the United States for such sums as became due to invalids before the first day of Jan^y 1782 and which have been or shall be paid to them by the state; and for such sums as became due to invalids from the said first day of January 1782 inclusive to the first day of January 1788 and which have been or shall be paid to them by any state, the state shall have credit in the existing Specie requisitions of Congress; And for sums that may so become due after January 1788 and be paid by any state, the state shall have credit in the specie requisitions of Congress which may hereafter be made.

Resolved That no person shall be entitled to a pension as an invalid who has not or shall not before the expiration of six months from this time make application therefor and produce the requisite certificates and evidence to entitle him thereto.

Ordered that the remainder of the report be recommitted.⁴

¹ See June 6, 1788.

² See June 2, 1788.

³ *Papers of the Continental Congress*, No. 22, p. 263, in the writing of Mr. Nathan Dane.

⁴ This order for recommitment to the same committee is indorsed on the petition and entered in the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 195.

On a report ¹ of the Secretary at War to whom was referred a memorial ² of Thomas H. Cushing

Resolved That the petition of Thomas H Cushing for rank and emoluments in the late Army cannot be granted.

On the report ³ of a com^{ee} consisting of M^r [Abraham] Baldwin M^r [Paine] Wingate and M^r [Hugh] Williamson to whom was referred a letter ⁴ from M^r Burrall

Resolved That the postmaster gen^l be and he is hereby instructed that in case, on examining dead letters, he shall find any letters or packages directed to any accountant or other officer of the United States on public business, he deliver the same to the officer or officers to whom directed, free from any charge of postage.

[Report of committee on memorial of I. Shreve ⁵]

The Committee [consisting of Mr. Edward Carrington, Mr. William Irvine and Mr. Jonathan Dayton] to whom was referred the Memorial of Israel Shreve with the papers accompanying it, report,

That, having taken into consideration the different letters and communications from the Commissioner of army accounts and M^r Shreve on the subject of his demand, they are of opinion that the interference of Congress in the matter submitted to them, would be altogether improper.⁶

¹ *Journals*, vol. XXXIII, pp. 668-670, October 12, 1787. See also February 11, 14, 15 and 18, and March 20, 1788.

² *Journals*, vol. XXXIII, p. 617n. October 6, 1787.

³ See June 9, 1788.

⁴ See June 2, 1788.

⁵ *Papers of the Continental Congress*, No. 19, V, p. 329, read June 11, 1788. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 35, the report was filed. See May 6, 1788.

⁶ JUNE 11, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 195, the following committee was appointed:

Mr. Hugh Williamson, Mr. Thomas Tudor Tucker, Mr. Abraham Baldwin, Mr. Pierpont Edwards and Mr. John Brown on the report of the committee on the report of the referees appointed to examine and determine the damages suffered by the contractors for moving army supplies. See March 25, 1788. A letter of J. D. Mercier, of June 10, 1788, explaining his reasons for not signing the referees' report, was also referred to the same committee.

THURSDAY, JUNE 12, 1788.

Congress assembled present New hampshire Massachusetts, Rhode island, New York, New Jersey, Pensylvania Delaware, Virginia, South Carolina and Georgia and from Connecticut M^r [Pierpont] Edwards and from North Carolina M^r [Hugh] Williamson.

[Report of committee on protest of French minister ¹]

The Committee [consisting of Mr. Alexander Hamilton, Mr. Nathan Dane, Mr. Jonathan Dayton, Mr. Samuel Allyne Otis and Mr. Edward Carrington] to whom was referred the report of the Secretary for foreign affairs on the note from The Minister Plenipotentiary of France with the papers accompanying it report,

That it appears by the said note and papers accompanying it, that the person mentioned therein, to wit Joseph Marie Anne Fermier commander of the Brig David is charged, with ~~having betrayed his~~ betraying his trust and running away with a cargo of Coffee, which by the laws of all countries is highly criminal and by those of some particular countries amounts to piracy. That ~~in~~ the execution of this design is alleged to have been begun at the Cape continued by certain acts on the high seas and completed in the commonwealth of Virginia. Your Committee therefore submit the following resolution

That the Secretary for foreign affairs transmit the said note of the Minister Plenipotentiary of France of the 28 Ultimo to the Executive of the Commonwealth of Virginia to the end that the said Executive may communicate to Congress the necessary information on the subject, and also to signify to the said Executive that it is the sense of Congress that the said J M A F ought to be secured in order that justice may be done in regard to the crime with which he is charged. And that the said Secretary be directed to inform the said Minister Plenipotentiary that instructions have already been given to ~~our~~ the Minister of the United States at the Court of France concerning the Consular Convention referred to in his note.

¹ *Papers of the Continental Congress*, No. 25, II, pp. 487-488, in the writing of Mr. Alexander Hamilton. Read June 12 and passed June 13, 1788. See May 30 and June 6, 1788. The original report was emended to read as it was passed.

[Report of committee on memorial of G. Morgan and the inhabitants of Illinois and St. Vincents ¹]

The Committee consisting of M^r [Hugh] Williamson, [Mr. Nathan Dane, Mr. Edward Carrington, Mr. Dyre Kearny and Mr. Paine Wingate] to whom was referred the Memorial of Geo. Morgan and his associates, respecting a tract of land in the Illinois Country on the Mississippi beg leave to report

That there are sundry french settlements on the River Mississippi within the tract which M^r Morgan and his associates propose to purchase. Near the mouth of the River Kaskaskies, there is a Village which appears to have contained near Eighty families from the beginning of the late revolution. There are twelve families in a small Village at la Prairie du Rochers and near fifty families at the Kahokia Village. There are also four or five families at Fort Chartres and at S^t Phillips which is five miles farther up the River. The Heads of families in those Villages appear each of them to have had a certain quantity of arable land allotted to them, and a proportionate quantity of meadow and of woodland or pasture. Your Committee are of the Opinion that from any general sale which may be made of the lands on the Mississippi there should at least be a reserve of so much land as may satisfy all the just claims of the Antient Settlers on that river, and that they should be confirmed in the possession of such lands as they may have had at the beginning of the late revolution, which may have been allotted to them according to the laws or Usages of the ~~French or British~~ Governments under which they have respectively settled. And whereas an additional quantity of land may be Necessary for the support of those people whenever the settlement shall increase and the Indian trade, by which they have chiefly subsisted, shall become less profitable, your Committee are of the Opinion, that such allowance should also be made them within the reserved limits.

¹ *Papers of the Continental Congress*, No. 19, IV, pp. 145-155, in the writing of John Fisher. Read June 12, made the order of the day for June 19 and acted on June 20, 1788. For text of original report read lined type and omit bracketed portions. For text of amended report as printed read bracketed portions and omit lined type. A copy of the amended report, with manuscript changes to bring it into conformity with the report as adopted is in *Papers of the Continental Congress*, No. 19, IV, p. 157. See May 13, 14 and 23, 1788.

Your Committee observe that in the Contract which is already made for the sale of a tract of land in the Western Country the purchasers are to be charged with surveying three Lots which are reserved for the benefit of the United States. They conceive that future contractors may be relieved from this expence; but they would propose that every agreement hereafter to be made shall be equally binding on the contracting parties, whereupon they submit the following Resolves.

That the Board of Treasury be authorised to Contract with any person or persons for a grant of a Tract of land which shall be bounded as follows;

Beginning on the River au Vase in the parallel of the mouth of little Wabash River, thence running due North to the Parallel of the mouth of wood River, thence West to the Mississippi at the Mouth of wood River, thence down the River Mississippi to the mouth of the River Au Vase, thence up the said River to the place of beginning, saving and reserving their possessions and Titles to the Antient Inhabitants of Kaskaskias, la Prairie du Rochers, Fort Chartres, St Phillips and Kahokia which shall be satisfied from lands within the limits herein after to be described.

That the purchaser or purchasers shall oblige themselves to lay off the Tract at their own expence into Townships or fractional parts of Townships and to divide the same into lots according to the land Ordinance¹ of the 20th May 1785, complete Returns of which are to be made to the Board of Treasury. The lot No 16 in each Township or fractional part of a Township to be given perpetually for the purposes contained in the said Ordinance and the lot N^o 29 in each Township or fractional part of a Township to be given perpetually for the purposes of Religion, and that each of the several Townships shall be thus laid off before the original purchaser or purchasers shall have disposed of the same, or made any settlement therein. The price to be not less than two thirds of a dollar per Acre for the Contents of the said tract, except the reservations and gifts aforesaid, payable in specie, Loan Office Certificates, reduced to Specie Value or Certificates of liquidated debts of the United States, the principal only of the said Certificates to be received in payment; and the Board of Treasury for such interest as may be due on the Certificates rendered in payment as aforesaid prior to the first of Jan^y 1787 shall

¹ *Journals*, vol. XXVIII, pp. 375-381.

issue indents for interest to the possessors which shall be receivable in payment as other indents for interest of the existing Requisitions of Congress. And for such interest as may be due on the said Certificates between that period and the time of payment, the said Board shall issue Indents, the payment of which to be provided for hereafter.

That part of the purchase money not less than ~~two~~ [one] hundred and fifty Thousand Dollars shall be paid down upon closing of the Contract, and the remainder of the purchase money whenever the Indian claim shall have been extinguished and the Boundary line of the Tract run by the Geographer of the United States or his assistants, the Contents of the land which is to be sold ascertained, and a plot of the same returned to the Office of the Treasury Board, on which payment a grant shall be made, and the purchaser or purchasers shall have the right of Entry and Occupancy.

That separate Tracts shall be reserved for satisfying the Claims of the Antiant settlers which shall be included within the following boundary Viz a straight line to be extended from the Mouth of the little River Marie below the River Kaskaskies to the old French fort on the East side of the said River Kaskaskias, and opposite the Kaskaskias Village, thence North three Miles, thence West across the Kaskaskia river to the ridge of Rocks and high land that extends from the Kaskaskia to the Illionois Rivers, then along the West side or foot of the said ridge of Rocks and high land to the parallel that runs two miles North of the Church at Kahokia, thence west to the River Mississippi, thence down the said river to the mouth of the River Marie.

That measures be immediately taken for confirming in their possessions and titles, the French [and Canadian Inhabitants] and other settlers on those lands who on or before the year 1783 had professed themselves Citizens of the United States or any of them, and for laying off the Several tracts which they rightfully claim within the described limits, and for laying off for the benefit of said Inhabitants three additional Tracts adjoining the several Villages, Kaskaskias, la prerie du Rochers and Kohokia, in the form of a Parallelogram, extending from the River Mississippi Eastward to the Ridge of Rocks before described, and of such extent as shall contain [(300) four hundred] Acres for each of the families now living at either of the Villages of Kaskaskia, la Prairie du Rochers, Kohokias, Fort Chartres

or St Phillips. The additional reserved tract adjoining the Village of Kaskaskias shall be for the Heads of families in that Village, The tract adjoining la Preris du Rochers shall be for the heads of families in that Village, and the tract adjoining Kahokia shall be for the heads of families in that Village, as also for those at fort Chartres and St. Phillips. A. Such additional Donation of [four hundred] Acres to be hereafter distributed by lot among the sundry claimants, at the end of years, after the tract shall have been laid off; it being provided that no person shall be entitled to such reserved Donation, unless he or she is at such time a resident within the Limits first above described; and unless he or she or his or her Ancestor shall have continued to be residents within the same limits from the beginning of the late Revolution. [Such additional donation of four hundred acres to be divided by lot and immediate possession given; Provided Nevertheless that no person thus obtaining possession of such lands shall have power to alienate the same until he or she, or his or her heirs shall have resided at least years from the time of such division within that district; at the end of which period every such resident shall obtain a title to the reserved lot; and all lots not thus conveyed to residents shall revert to the United States.]

That whenever the Antient settlers shall have been confirmed in their possessions and Titles and the amount of the same ascertained, and the three additional Parallelograms shall also be laid off for future Donations, and such other Tract as may formerly have been possessed by Geo. Morgan or so much of the same as he may rightfully claim, the whole remainder of the soil within the reserved limits above described shall be considered as appertaining to the general purchase and shall be conveyed accordingly.

That Measures be immediately taken to entinguish the Indian Claim, if any such Claim exists to the land bordering on the Mississippi from the mouth of the Ohio to a determined station on the Mississippi, that shall be Sixty or Eighty miles north from the Mouth of the Illionois River and extending from the Mississippi as far Eastward as may be.

That the Governor of the Western Territory be instructed to repair to the French settlements on the Mississippi at and above the Kaskaskies. That he examine the Titles and possessions of the settlers as above described in order to determine what quantity of land they may severally claim, which shall be laid off for them at their own expence, and that he take an account of the several heads of families

living within the reserved limits in order that he may determine the quantity of land that is to be laid off in the several Parallelograms, which shall be laid off accordingly by the Geographer of the United States or his Assistant at the expence of the United States.

That the Geographer of the United States be instructed to take the latitude of the Mouth of the River Au Vase and the Mouth of wood River, and of the North East and South Eastern Angle of the tract, and that in executing all other large Surveys he take the latitude of three or four of the Chief Corners.¹

FRIDAY, JUNE 13, 1788.

Congress assembled. Present New hampshire Massachusetts, Rhode island, New Jersey, Pensylvania Delaware Virginia South Carolina and Georgia and from Connecticut Mr [Pierpont] Edwards from New York Mr [Abraham] Yates from Maryland Mr [Benjamin] Contee and from North Carolina Mr [Hugh] Williamson.

² ~~On the report~~ The Committee consisting of Mr [Alexander] Hamilton Mr [Nathan] Dane Mr [Jonathan]

¹ JUNE 12, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 195, the following committee was appointed:

Mr. Alexander Hamilton, Mr. James R. Reid and Mr. Samuel Allyne Otis on the memorial of Udney Hay, dated June 10, read June 12, 1788, regarding his claim for rank and emoluments. *Papers of the Continental Congress*, No. 41, IV, p. 258. A statement of Hay's account signed by J. Burrall, Commissioner of Accounts, is on pp. 262-263. Copies of other supporting documents are on pp. 260, 265-266, 269-270, 273-277. The report of the Secretary at War on this subject, rendered August 23, 1785, was also referred to this committee. See *Journals*, vol. XXIX, pp. 652-653. Mr. Hamilton was replaced by Mr. Pierpont Edwards on June 13. Report was rendered June 16, 1788. See also June 27, July 1 and 22, 1788.

Also according to indorsement and the *Committee Book*, was referred to the Board of Treasury to report:

Petition of Samuel Townsend, October 31, 1787, read June 12, 1788, to be repaid money for which he was sued and which he had paid for the United States. *Papers of the Continental Congress*, No. 42, VII, pp. 493-494. Report rendered July 18, 1788. The enclosed papers were returned on May 20, 1790.

² From this point to the end of the day the entries were made by Charles Thomson and Benjamin Bankson in *Secret Journal*, *Foreign Affairs*, *Papers of the Continental Congress*, No. 5, III, pp. 1684-1695. The *Journal* text was also entered by John Fisher and attested by Charles Thomson in *Secret Journal* *Foreign*, *Papers of the Continental Congress*, No. 6, III, pp. 419-426.

Dayton M^r [Samuel Allyne] Otis and M^r [Edward] Car-
rington to whom was referred a report ¹ of the Secretary
for foreign Affairs on a Note ² from the Minister pleni-
potentiary of France of the 28 May report ³

“That it appears by the said note and the papers
which accompany it that the person mentioned therein
to wit Joseph Marie Anne Ferrier commander of the
brig David is in substance charged with betraying his
trust and running away with a cargo of Coffee; that the
execution of this design is alledged to have been begun
at the cape, continued by certain acts on the high seas
and completed in the commonwealth of Virginia.”
Whereupon

Resolved That the Secretary for foreign Affairs be and
he is hereby directed to transmit the said note of the
Minister plenipotentiary of France of the 28 of May
last to the executive of the commonwealth of Virginia
to the end that the said Executive may communicate to
Congress the necessary information on the subject; ⁴
and also to signify to the said Executive that it is the
sense of Congress that the said Joseph Marie Anne
Ferrier ought to be apprehended in order to be dealt
with according to the nature of the case. And that
the said Secretary be and he is hereby directed to
inform the said Minister plenipotentiary, that instruc-
tions have already been given to the Minister of the

¹ See June 6, 1788

² See May 30, 1788.

³ See June 12, 1788.

⁴ The Secretary for Foreign Affairs complied with this order on June 13, 1788.
For the reply of the Governor of Virginia, see August 8, 1788.

United States at the court of France concerning the consular Convention referred to in his note ⁴

⁴ The translation of the note ¹ from the Minister of France is as follows:

The Undersigned Minister plenipotentiary of France has the honor of informing the United States in Congress assembled that he has rec^d an Order from his court to demand the delivery of a french captain who has been guilty of a crime, the punishment of which is equally interesting to every commercial nation. Joseph Marie Anne Ferrier a native of Cette in Languedoc commanding the brig David was dispatched from the Cape in the island of St Domingo for Nantz the 1st July 1787 with a cargo of 100,000 lb weight of coffee belonging to different persons ² under pretence of some leaks which were discovered in his Vessel, he directed his course for Norfolk in Virginia where he arrived the 26 of the same month. The Sieur Oster, the Kings Vice-Consul having gone on board to visit the Vessel, and appoint Inspectors in order to prove her condition in conformity with his Majesty's Ordonnances, found from the depositions of some passengers that the said Ferrier, had not intended to go to France, as he had only taken in provisions for 15 days, that the Evening before he left the Cape he clandestinely sold a large part of his cargo, that in order for a pretext to stop at Virginia and there sell his Vessel he had several leaks made on purpose in the Hold by which means 12,000 lbs Coffee was damaged, which the Sieur Oster was obliged to order to be sold at Auction; that he had wickedly thrown over-board an Anchor of 750 lb^s a large cable of 120 fathoms, some top-masts and other things belonging to his Brig, in short to conceal his misdemeanours he kept at sea a false Journal which he signed himself and caused his Mate and Crew to do the same in order to make it appear that he had been obliged to renounce his Voyage to Nantz and stop at the Chesapeak. Captain Ferrier being informed of these depositions and fearing the consequences of his crime deserted with his Mate and other Accomplices, but he was taken by the Inhabitants and brought back to the Sieur Oster who sent him Prisoner on board the French Ship the Jason after permission obtained from the

¹ *Papers of the Continental Congress*, No. 96, pp. 434-441, with translation, pp. 442-446. The mentioned enclosures and translations are on pp. 450-471.

² Benjamin Bankson continues the entry in the notes.

¹ OFFICE FOR FOREIGN AFFAIRS26' May 1788.²

The Secretary of the United States for the department of Foreign Affairs to whom was referred his Letter³ of

Mayor of Norfolk. The Culprit underwent an Interrogatory on the 6' December, and confess'd the Crime of which he was accused. The process being finished the Sieur Oster called an Assembly of the Merchants belonging to his Nation, in which it was resolved that Ferrier should be sent to Nantz to be Judged by the Officers of the Admiralty. He wrote at the same time to the Governor of Virginia giving him an account of all these particulars and requesting the consent of the Council to send the said Ferrier to France in the Vessel which he had commanded. He received no answer to this Letter which was dated the 2nd October Copy of which (N^o 1.) is annexed: But on the 7th November a Sheriff went on board the french Ship with a Writ to arrest the said Ferrier as a Debtor for £50, to a *Frenchman* resident in Norfolk. The Criminal was accordingly liberated after giving bail to appear at the first County Court. The Sieur Oster wrote a second time to the Governor complaining of this irregular procedure, and reclaiming not only the Captain but the other Criminals. He received no other answer but the one annexed (N^o 2.3.) After these particulars the undersigned has the honor to represent, that it is very surprizing, that not withstanding the official information which had been given the 2nd October, concerning the Crimes of which Cap^t Ferrier had been convicted, he should be liberated the 7. November under pretence of a Civil Action of 50 pounds. That condemned in irons on board a french Vessel by the Consul of his Nation and with the consent of the Mayor of Norfolk, he was taken away on a suit brought by a *Frenchman* who ought to have acknowledged the jurisdiction and authority of his Consul, but who very likely was in concert with the Criminal to effect his escape; in short that the Magistrates have facilitated this escape without any regard to the complaints which were made by His Majesty's Vice-Consul, a Conduct the more extraordinary as by a Law of 1779 the State of Virginia authorizes the Consuls of Powers which have acknowledged the independence of the U^d States to Claim the De-

¹ Benjamin Bankson continues the entry in the text.

² See May 28, 1788. See also March 15, 1787.

³ See March 24, 1788.

20th March last together with the Letter and Papers from Sir John Temple ^x that were enclosed with it, Reports

serters from the Vessels of their Nation to judge differences between their Subjects agreeable to the Laws of their Country, and to execute their Sentences, provided they do not pronounce Corporal punishment. It was in consequence of this Law that the Sieur Oster obtained full and entire satisfaction in August 1784, in a case similar to the one in question. But even were this Vice-Consul unsupported by any particular law, he might found his Claim on the common Rights of Nations, on the mutual ties between Allied Powers, on the treaty of Commerce and the Consular Convention, which was a consequence of it, on the procedure which took place in a similar case in 1784; on the reciprocity invariably established in France, on the interests of every Commercial Nation, that a Crime of this nature should not remain unpunished, in short on the dignity of Virginia which would be particularly exposed, if one could suspect that State of encouraging and protecting Villains proscribed by the Laws of every polished Nation. In consequence of these observations the undersigned Minister has received orders to claim the Criminal and if by a connivance which is not very likely and which would be very wide of the principles of Justice and moderation which Virginia has so often displayed, Cap^t Ferrier has found means of escaping, he demands to be informed of the motives that determined the Magistrates to pay no respect to the well founded and pressing claims of the Vice Consul of France, and to elude not only the Law which was passed in 1779, but the principles which form the Basis of every Consular establishment, which are formally adopted by the Convention between His Majesty and the U. States, signed by the respective plenipo^s and which have been hitherto religiously observed in the Kingdom with respect to the Citizens of the United States. The undersigned Minister has the honor of reminding on this occasion the United States in Congress Assembled, agreeable to an express order received from his Court of the necessity of concluding as speedily as possible the last formalities which may have been neglected, in order to give every suitable effect to the aforesaid Convention, and to represent to them the propriety of giving definite instructions on this head to their Minister Plenipo: with his Majesty. The interest which the King has always taken in the prosperity of

^x Note on p. 232.

That the Letter and Papers in question relate to the case of Richard Lawrence, a Ship Carpenter in the british service in the late War.

the Commerce between the Kingdom and the U^d States is manifested on every occasion too evidently for His Majesty not to expect on their part every necessary step to secure a perfect reciprocity, the only solid basis, on which the advantages granted by his Majesty to the Commerce of the U. States can exist.

New York 28 May 1788.

Sign'd THE COUNT DE MOUSTIER

* The letter ¹ from Sir John Temple and papers referred

NEW YORK 10th November 1787.

SIR: The inclosed petition with the documents annexed to it, from Richard Lawrence, an American loyalist to the King my Sovereign, I had the honor to receive by the last Packet from England, together with his Majesty's Commands, signified to me by one of his Principal Secretaries of State, that I should make enquiry into the Circumstances of said Petitioner's case; and, if I should find him justly entitled to the benefit he claims, under the stipulation of the sixth Article of the definitive treaty between his Majesty, and the United States of America, I should make the strongest representations to Congress for his being immediately set at liberty, and full restitution made to him of such property as he may have been unjustly deprived of, together with such further satisfaction as the nature of his case may justify me in soliciting; To which purpose, Sir, will you permit me to request, that the said Petition, together with his Majesty's Commands so signified to me, may be laid before Congress as soon as may be after that Honorable Body shall reassemble to do Business? In the mean time I am so confident of your humanity, as well as of your Justice, that I have not even the least doubt you will do all that may be in your power, during the present recess of Congress, to mitigate the distresses of the said Petitioner now or late a Prisoner in the Jail of this City.

¹ *Papers of the Continental Congress*, No. 92, pp. 524-525, 527-531. See also *Papers of the Continental Congress*, No. 42, IV, pp. 442-443, for a petition of Lawrence to Congress, August 9, 1786, which is indorsed acted on June 13, 1788.

Among the Papers is a copy of his Petition to his
britannic Majesty, stating, that he was an Inhabitant
I have the honor to be with very great regard and Esteem Sir
Your &c. &c.

J. TEMPLE

The Hon^{ble} JOHN JAY Esq.

Principal Secretary for Foreign Affairs
United States of America.

To the KING'S MOST EXCELLENT MAJESTY.

The humble Petition of Richard Lawrence a loyalist, and late a Master Ship Carpenter in the British service, but now a Prisoner in the New Gaol of the City of New York, in North America, Sheweth

That previous to the commencement of the unhappy contest betwixt Great Britain and America, your Petitioner resided at Staten Island in the then Colony of New York, following his trade of a Ship Carpenter, and being zealously attached to your Majesty's Government. After the Rebellion began his loyalty remained unshaken, and as soon as the Brittish troops landed upon Staten Island, he repaired to the Royal Standard.

That your Petitioner was afterwards appointed by Sir William Howe Commander in Chief of your Majesty's Forces, Master-Carpenter of the Ship Yards at Staten Island and New York, and continued in that employment until the Year one thousand seven hundred and Eighty. And receiving an Order from the said Commander in Chief, a true copy whereof is hereunto annexed, your Petitioner in obedience to such Order, did seize and take under his charge, several Boats and Vessels, and also large quantities of Ship timber, and other Naval Stores &c: belonging to the Rebels; and having received an Appointment from His Excellency William Tryon Esq., then Governor of New York, a Copy whereof is also annexed, your Petitioner did take upon himself the direction and management of the Woods in the said Appointment mentioned and by like Orders from the Commander in Chief did take upon himself the direction and management of divers other Woods upon Estates in Staten Island aforesaid, and large quantities of timber were under the inspection of your Petitioner cut down from the said Woods and used in your Majesty's service, but your Petitioner never made any advantage or profit thereof or converted any part to his own use or emolument, but the said Timber was entirely applied to the Public Service.

of Staten-Island, and joined the Kings troops on their landing there.

That upon the evacuation of New York, your Petitioner intended to have withdrawn into some part of your Majesty's dominions, but having several considerable sums of Money due to him, and relying upon the Sixth Article of the definitive Treaty which declares "That there shall be no future Confiscations made, nor prosecutions commenced against any Person or Persons for or by reason of the part which he or they may have taken in the present War; and that no Person shall on that account suffer any future loss or damage either in his Person, liberty or property". Your Petitioner remained in New York after the evacuation thereof to manage and settle his Affairs, but before he could effect the same, in manifest violation of that Treaty, and of national faith, several Actions at law were commenced against him by the Proprietors of the said Estates at Morissania and Staten Island for the damages they sustained by their Timber being cut down and used in your Majesty's service, and by the Owners of the Boats and Vessels, ship-timber and other Stores, which your Petitioner seized by virtue of the annexed order; And although he pleaded the said Treaty in Bar of such Actions, yet Judgment was given against him, and he was arrested and has been for upwards of sixteen months closely confined in the Common Goal of New York, which has not only reduced him to poverty, but (being far advanced in years) hath also nearly put a period to his miserable existence, his health being greatly impaired, and having almost lost his sight by his long imprisonment, and his unfortunate Wife and family reduced from competency to a state of indigence and distress.

That in hopes of relief your Petitioner has laid his unfortunate case before the Congress of the United States of America, and the Governor and Assembly of the State of New York, but no attention has been given by any of them to his petitions. He therefore with the greatest humility ventures to lay his unfortunate situation before your Majesty, encouraged by the professed inclination your Majesty has shewn to alleviate the misfortunes of those Persons who since the late War suffered for their loyalty and attachment to your Majesty's Person and Government; And as your petitioner from the aggravated wretchedness, which the loss of his liberty, and ruin of his fortune, has entailed upon him, is totally unable to satisfy the large damages recovered against him in the said Actions, he must

That he was employed by the british Commander in Chief; and in pursuance of Orders did seize and take several Boats and Vessels, and Ship-timber and Naval Stores, and cause large quantities of Timber to be cut and used in the said King's service.

without some powerful interposition end his days in misery and wretchedness, confined to a loathsome Prison, destitute of the common necessities of life, deprived of the free use of the air, and cut off from all possibility of maintaining his unfortunate family, who are now reduced to beggary and despair.

Your petitioner therefore most humbly hopes that your Majesty in your great goodness will be pleased to take his unfortunate case into consideration, and by your Royal Interposition with the Congress of the said United States of America prevent his suffering the most dreadful, the most horrid of all human punishments, perpetual Imprisonment.

RICHARD LAWRENCE.

(Copy)

It is the Commander in Chief's Orders that M^r Richard Lawrence takes under his charge all the Boats and Vessels belonging to the Rebels, laid up in the several Creeks near Elizabeth Town; as also all Ship-timber, Oars, tar, and all other Naval Stores &c: &c: &c: Head Quarters New York December 3, 1776.

WILL^m SHERIFF D. Q. M. G.

To all to whom it may Concern.

Copy

I do hereby appoint Richard Lawrence Master-Carpenter in the Quarter Master General's Department, to superintend the Woods on the Widow Morris's Estate at Morrisania, and to have the sole direction and management thereof. And all Persons cutting Timber from off the said Estate for the express use of his Majesty's service in any of the Public Departments of the Army or Navy, are required to apply to the said Richard

By His Excell^y
Com^d B. J.
Johnson, P. T.

That after the Peace, Actions at Law were commenced against him in this State by the Proprietors of the Timber and other Articles abovementioned, that he pleaded the Treaty in bar of the said Actions; but that Judgment was nevertheless given against him, and that he was confined in Goal &c: That he had Petitioned Congress, and the Governor and Assembly of the State of New York; but that no attention had been given to his Petitions.

Sir John's Letter states, that he had received his Majesty's Commands to enquire into M^r Lawrence's case, and if he should find him entitled to the benefit he claims under the 6th Article of the treaty of peace, to make the strongest representations to Congress for his being immediately set at liberty, and full restitution made him &ca: "To which purpose Sir John (in his Letter) requested that the said Petition, together with his Majesty's Commands so signified to him, might be laid before Congress as soon as might be after that Honorable Body should reassemble to do Business."

Your Secretary has taken much pains to acquire an accurate state of the facts relative to this business. He has conversed on this Subject with M^r Lawrence and others, and procured certified Copies of the Records of the Causes alluded to, which Copies are hereunto annexed.

Lawrence, who will shew them the proper places to furnish what may be required.

Given under my hand and Seal at Arms at King's Bridge Forepost,
the 3^d day of May 1779.

W^m TRYON, Gov^r

I do hereby Certify the above to be true Copies of the original Appoint^{ts} and Orders as produced to me this 7th of June 1787.

J. TEMPLE

One of these Records is of the Proceedings in an Action of Trover brought against him by Jonathan Morrel. M^r Lawrence plead "*that he was not guilty of the Premises above laid to his charge*". The Jury who tried the issue found that he was guilty, and assessed the damages of the Plaintiff at £230, and the Court gave Judgment accordingly.

Another of these Records is of the Proceedings in an Action of Trespass brought and prosecuted against him by Samuel Broome, M^r Lawrence plead, "*that he was not guilty thereof*." The Jury who tried the Issue found that he was guilty, and assessed the Plaintiff's damages at £425, and the Court gave Judgment accordingly.

The third Record is of the Proceedings in an Action of Trespass, commenced and prosecuted against him by John Broome. M^r Lawrence plead *that he was not guilty thereof*. The Jury who tried the Issue found that he was guilty, and assessed the Plaintiff's damages at £280, and the Court gave Judgment accordingly.

The word Treaty is not to be found in either of these three Records, so that M^r Lawrence's assertions on that head are not well founded.

Your Secretary is however informed, and believes that in the course of the Trials, the Treaty was urged to the Jury as affording just Cause for their deciding in favor of the Defendant, and that the Court charged the Jury on that subject with great fairness and impartiality; but whether the Juries did not conceive that the Treaty applied to those particular Causes, or from what other Cause is not certain; but the fact is that they found the Verdicts in favor of the Plaintiffs in the manner beforementioned.

Your Secretary has been informed and is assured that there has not as yet been a single Adjudication in any

of the Courts of this State against any Article of the Treaty. Wherever the Treaty has been specially pleaded, and the point thereby brought fairly before the Judges for decision, there is not an instance of a determination against it; but on the other hand there is reason to suspect that some Causes in which the Defendants have been so unwary as to permit them to go to Juries on the general issue, proper respect has not in every instance been paid to the Treaty.

There is another point which seems to deserve attention, and that is how far Remonstrances of this kind can be made with propriety to Congress on behalf of any Sovereign, by a Person not charged by that Sovereign with such Affairs, in the Manner accustomed among Nations.

Sovereigns should be on equal terms in all their Transactions with one another; but that would not be the case if one was always bound and the other always loose. As Sir John has no Commission nor Letter of Credence which would render his King responsible for any thing which Sir John may (in Virtue of *private* Instructions) say or do in his name, Prudence requires that with respect to all Affairs beyond his Consular Department, he be considered as a private Gentleman.

Your Secretary thinks it advisable that the Court of London should perceive clearly that Congress will not negotiate in this unsafe and improper way, and also that the Complaints in question against the Justice of this Country are ill founded. For both these reasons it would in his opinion be well to permit him to write the following Letter to his Britannic Majesty's Minister for foreign Affairs, Viz^t.

MY LORD

As there is no Person here properly charged with the Affairs of his Britannic Majesty, nor at London with those of the United States, no Communications can be made in that Channel. Occasions however will occur on which some Correspondence may be expedient, especially as mutual silence might otherwise permit Mistakes to prevail, which friendly explanations could easily correct.

Your Lordship will find herewith enclosed a Copy of a Letter to me from Sir John Temple, and a Copy of the Petition of Richard Lawrence which was transmitted with it. They have both been laid before Congress, and by their Order the facts stated by M^r Lawrence have been investigated.

I have also the honor of conveying to your Lordship herewith enclosed, Office Copies of the Records of the three Causes to which his Petition alludes. They contain no such Pleas as his Petition describes, nor is the word Treaty to be found in either of them. He plead the general Issue in each of those Causes, and the three Juries who tried those Issues, having found Verdicts for the Plaintiffs, Judgments were given accordingly.

Why M^r Lawrence omitted to plead the Treaty if applicable to his case, or why his defence was not so conducted as to give him every advantage in error which the nature of it might admit of, or eventually require, are questions not interesting to the design of this Letter. Your Lordship will easily perceive that his Representations are at least not accurate, that the Judgments contained in those Records must operate until legally reversed, and that they cannot be reversed but in the *ordinary* course of judicial proceedings, which is as open to M^r Lawrence as to any other Person.

¹ *Ordered* ² That the above report be referred back to the Sec^y for foreign affairs to take Order.

[Report of Board of Treasury on memorial of J. Woods ³]

The Board of Treasury, to whom was recommitted their Report ⁴ on the Memorial of John Woods,

Beg leave to Report to Congress

That from a re-examination of the Claims of the Memorialist against the United States, they are still of opinion, the the Sum received by M^r Wood for his services in the Years 1785 and 1787; are fully adequate to any equitable Claim he may have against the United States, although he was not allowed by the Commissioners for settling Treaties with the Southern Indians in the year 1785, the Sum of 366 5/90ths Dollars which he at that time charged for his own, and pack horse service; the consideration of which appears to have been referred to Congress with a favorable representation on the part of the Commissioners, of the services rendered by M^r Woods.

That this opinion arises from the consideration, that the Memorialist's charge of service in the Year 1785, being 248 Dollars, is more than one half overcharged, (especially when it is considered, that M^r Woods attended the Indians at the above Treaty, in the quality of a Trader) and that in a subsequent Account exhibited by him to M^r Hodgden at Philadelphia, he has been allowed and paid the Sum of 286 37/90ths. Dollars, for charges of lost Horses, and Servants Wages; none of which charges as above stated could on any principle whatsoever be admitted; was a revision of the said account to be made by the proper Officers of the Treasury, which must be the case should the Memorialist, still insist on his right, to further allowance.

That when the claim of any Individual against the United States, depends on services altogether unauthorised, and is unsupported by

¹ Charles Thomson takes up the entry.

² This order is noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 195.

³ *Papers of the Continental Congress*, No. 138, II, pp. 581-585, read June 13, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 195, the report was referred to a committee consisting of Mr. Abraham Baldwin, Mr. Abraham Clark, Mr. Nathan Dane, Mr. Thomas Tudor Tucker and Mr. Jonathan Dayton, which reported June 19 1788.

⁴ See June 4 and 6, 1788.

proper Vouchers of Expenditure (which is the case of M^r Woods) the only point of view in which the same (we presume) can be considered is, what, under all circumstances is an equitable compensation.

On this principle, the Board have acted on their Reports ¹ to Congress of the 28th Febr^y and 4th June 1788; in addition to which it is necessary to observe, that when the Warrant on the State of Pennsylvania was granted to the Memorialist, it was with the express intention of satisfying all his claims, and enabling him to return to his place of residence; And altho' it is represented by him, that the said Warrant could not be negociated (on account of depreciation of the Paper Currency of Pennsylvania) at a loss of 50 Per Cent; yet it is certain that the same has been paid by the Memorialist at Par, in discount of Debts contracted by him in the State of Pennsylvania, so that any loss which might be ultimately sustained from this Negociation, cannot fall on the Memorialist, but the Person to whom the said Warrant is transferred.

Nevertheless, the case of the Memorialist is stated to be such as (unless some relief is granted) will prevent him from returning to his place of Abode; where, his Influence with the Choctaw, and Chickisaw Nations, has been represented to the Secretary at War, to be beneficial to the Interest of the Union; They submit it therefore to the Opinion of Congress, how far considerations of Policy, may render it adviseable to make him a grant of such a Sum of Money, as may be adequate to his present relief, and to the discharge of his Expences, on his Journey homewards.

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

June 12th 1788.

[Report of Board of Treasury on memorial of Elizabeth Wallace²]

The Board of Treasury to whom was referred the Memorial of Elizabeth Wallace, daughter of Robert Patton, late Messenger to Congress,

Beg leave to Report

That the certified claim for Four hundred Dollars stated by the Memorialist to have been found amongst the Papers of her deceased

¹ See February 29 and June 4, 1788.

² *Papers of the Continental Congress*, No. 138, II, pp. 491-492, read June 13, 1788. See May 21 and 22 and June 24, 1788.

Father, was issued to him on Account of his Salary. That the faithful services of the deceased, and the situation of his Family appear to entitle him, in a peculiar manner to the complete discharge of the Arrears due to him.

The Board therefore submit to the consideration of Congress the following Resolve Viz^t

That in consideration of the long and faithful Services of Robert Patton late Messenger to Congress; the Board of Treasury be directed to cancel the Certified Claim of the deceased, for Four hundred Dollars, and to pay the amount thereof, to the person who may be legally authorised to receive the same.

All which is humbly Submitted.

June 12th 1788

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letter of Postmaster General on power to open letters ¹]

GENERAL POST OFFICE

New York June 13th 1788

SIR: Your Excellency will perceive from the enclosed Extract from a Letter written by the Post Master at Philadelphia, which I received yesterday, that a Case has occurred, in which, for the Promotion of Justice and Support of the Laws, a measure has been thought of that involves in it some important Questions.

During the War Authority was given to the Executives of the States to stop Letters in certain Cases, but no existing Act of Congress gives such Authority at present, and perhaps it would be improper that it should be lodged any where but with Congress; especially as Cases seldom occur in which the Exercise of such a Power will be necessary. As the present appears to be one of that Kind, I beg leave to lay it before your Excellency, and to request the Orders of Congress how to act respecting it.

I have the Honor to be, etc.,

EBEN HAZARD

HIS EXC^y THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 61, p. 345. The enclosure is on p. 349. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 195, the letter was referred to a committee consisting of Mr. Nathan Dane, Mr. Hugh Williamson and Mr. William Few, which reported June 18, 1788.

MONDAY, JUNE 16, 1788.

Congress assembled, present New Hampshire Massachusetts, Rhode island, New York, New Jersey Pennsylvania Virginia South Carolina and Georgia and from Connecticut Mr [Pierpont] Edwards ~~from New Jersey~~ Mr [Abraham] ~~Clark~~ from Delaware Mr [Dyre] Kearny from Maryland Mr [Benjamin] Contee and from North Carolina Mr [Hugh] Williamson.

Mr Ezra L'Hommedieu a delegate for New York attended and produced his credentials.¹

[Report of Committee on memorial of U. Hay²]

The Committee [consisting of Mr. James R. Reid, Mr. Samuel Allyne Otis and Mr. Pierpont Edwards] to whom was referred the memorial of Udney Hay beg leave to report,

That on examining the memorial and other papers accompanying the same, they find that Congress by their resolution ³ of the 10th of May 1781 did refer the claims of the Memorialist to a board of Officers to be considered and *determined upon*.

That the said claims agreeably to the resolution were considered and determined upon by a board of Nine General Officers and reported to Congress for their confirmation.

It appears also to your Committee that the Memorialist never lost sight of the object held forth in his petition, that he considered the determination of the board of Officers to be final, and fulfilled the contract on his part by continuing to do his duty.

From all these circumstances Your Committee are of opinion that the determination of the board of Officers ~~in favor of the Memorialist~~ ~~Udney Hay ought to be confirmed~~ [appointed by the commander in chief, pursuant to the instructions of Congress ought to be final.]

¹ See February 25, 1788 for the credentials of Mr. L'Hommedieu.

² *Papers of the Continental Congress*, No. 19, III, p. 139, in the writing of Mr. James R. Reid. Read June 16 and recommitted on June 27, 1788. See June 12, July 1 and 22, 1788.

³ *Journals*, vol. XX, p. 492.

TUESDAY, JUNE 17, 1788.

Congress assembled, present nine states as yesterday and from Connecticut Mr [Pierpont] Edwards from Maryland Mr [Benjamin] Contee and from North Carolina Mr [Hugh] Williamson.

On motion ¹ of Mr [Abraham] Clarke seconded by Mr [Nathan] Dane

Ordered That the Secretary of Congress furnish the board of treasury with a copy of the circular letter² to the several states from the committee of Congress with the Army dated 2 June 1780,³ in order that the said board may instruct the commissioners in the settlement of the accounts of the states for supplies furnished in consequence of the said letter.

On the memorial⁴ of Isaac Trowbridge stating that in making his contract with the postmaster gen^l for the transportation of the mail between the cities of New York and Hartford for the year 1788 he was under a mistake regarding the expences and praying for a further allowance or to be excused from transporting the mail more than twice a week.

Resolved That the prayer of the memorial cannot be granted.

[Report of Secretary of Congress on petition of Loyd Powell⁵]

JUNE 17 1788.

On the petition⁶ of Loyd Powell an invalid late of the Pennsylvania line stating that he has never rec^d the pension allowed to invalids the

¹ *Papers of the Continental Congress*, No. 26, p. 675, in the writing of Mr. Abraham Clark.

² See *Papers of the Continental Congress*, No. 11, pp. 55-62, for copy of this circular letter.

³ At this point in the original motion the phrase "entered on the Secret Journals of Congress" is crossed out.

⁴ See May 2, 6, 13 and 22, 1788.

⁵ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 77.

⁶ *Papers of the Continental Congress*, No. 42, VI, p. 381, dated June 3, and read June 17, 1788. According to indorsement the petitioner was furnished a copy of the Act of June 11, 1788 and was sent back to Pennsylvania.

Agreed

Sec^y to take order

Secretary of Congress reports that, that Congress by their Acts of June 7 1785¹ and of the 11 of the present month have made provision for paying to the invalids the pensions to which they are entitled; and The Sec^y therefore is of Opinion that Loyd Powell be furnished with a copy of the act of 11th and sent back to the State of Pennsylvania.

[Report of Board of Treasury on memorial of H. Merlet²]

The Board of Treasury to whom was referred the Memorial of Hardovin Merlet,

Beg leave to lay before Congress, a Copy of a communication from the Secretary at War on the case of the Memorialist, from which Congress will judge how far it would be adviseable to make any peculiar provision for his relief.

It is possible that the Memorialist may have suffered in the manner stated in his Memorial by having still on hand the Sum of Five thousand seven hundred and fifty five dollars, said to have been received by him on account of wages, during his service, of this however, no proofs whatsoever are exhibited; and the probability of the circumstance is rendered questionable, not only from the situation of the Memorialist during the War, and the advantageous manner in which these monies might have been employed; but likewise from the length of time which has elapsed, without his giving any public notice of the sum above stated being still in his possession.

With respect to the present situation of the Wife, and Family of the Memorialist; the board beg leave to observe, that if Mr Marlet, instead of remaining so long in Canada, at a distance from his family, had availed himself of the benefit of the lands granted to him in common with the other Canadians, by the State of New York; and of the Rations issued to them by order of Congress, to enable them to commence their settlements, the situation of his family could not have been such as to render a pension necessary for their subsistence.

¹ *Journals*, vol. XXVIII, pp. 435-437.

² *Papers of the Continental Congress*, No. 138, II, pp. 145-147, read June 17, 1788. A letter of H. Knox to the Board of Treasury is on pp. 149-150, and an account of Merlet's pay on p. 153. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 543. See June 4, 1788. According to an indorsed receipt the papers accompanying the petition were received by Elizabeth Lacy on June 23, 1789.

Under the above circumstances the Board submit to the consideration of Congress the following resolve,

That the application of Hardovin Merlet late of the Province of Canada for a Pension cannot be complied with.

All which is humbly submitted.

WALTER LIVINGSTON

ARTHUR LEE

June 16th 1788.

[Letter of Secretary at War on troops in service ¹]

WAR-OFFICE, *June 16th 1788.*

SIR: I have the honor to submit to Congress a statement of the troops in the service of the United States, and of the measures adopted to replace a proportion of those serving on the frontiers whose times of service will expire in the course of the present year.

Five hundred and thirty two non-commissioned officers and privates, being the total amount of the return, three hundred and fifty eight of them will be entitled to be discharged during the present, and one hundred and seventy-four previously to the month of July of the succeeding year.

Of those entitled to be discharged in the present year, it is most probable that one hundred and fifty have re-engaged, or will re-engage on the frontiers.

The States of Connecticut, New Jersey and Pennsylvania, having complied with the requisitions ² of Congress for troops, of the 3rd of October last, and having re-appointed the commissioned officers to their respective quotas accordingly, the recruiting service has commenced in the said States, with the prospect of obtaining the best recruits, and completing the numbers directed in a short time.

The numbers to be recruited at present in the said States respectively are as follows,

Connecticut	130.
New Jersey	50.
Pennsylvania	70.

250

¹ *Papers of the Continental Congress*, No. 150, III, pp. 241-246, read June 17, 1788. The enclosed statement of the troops in service is on p. 239.

² *Journals*, vol. XXXIII, p. 603.

The number in Pennsylvania will probably be completed and marched for Fort Pitt about the 1st of July. The New Jersey and one company consisting of seventy non commissioned and privates of the Connecticut recruits, about the 12th or 15th of the same month, and the remainder of the Connecticut recruits by the 15th of August.

The recruits who have probably been reengaged on the frontiers, together with those which will be marched from the before recited States, will amount to four hundred non-commissioned officers and privates. The troops having to serve during part of the next year are to be added to this number, so that in September, there will most probably be on the frontiers five hundred and seventy four non commissioned officers and privates.

I conceive this number adequate to the public demands according to present appearances on the frontiers. In case of an Indian War the establishment voted on the 3rd of October last must probably be increased.

Measures may be taken early in the next year, to replace the troops whose services will expire previously to July, and also to complete fully the establishment, if circumstances shall render it necessary.

The two companies of artillery retained in service out of the troops raised in Massachusetts, by virtue of the resolve ¹ of Congress of the 20th of October 1786, are much reduced by desertion. One of the companies amounting to Thirty-six, non-commissioned and privates are stationed at Springfield, for the protection of the arsenal of the United States at that place, and the other amounting to, Forty-three is stationed at West Point.

The Legislature of New York not having passed any laws complying with the requisitions of Congress of the 3rd of October last for replacing the troops on the frontiers, the recruiting service could not be commenced within this State. It appears by conversations with His Excellency Governor Clinton, that he communicated the acts of Congress on this subject, with other public papers, to the Legislature early in their last session, but that the business was entirely omitted. That in his opinion the omission did not arise from any disinclination to the requisitions, but was occasioned probably by a misapprehension of the subject, or a supposition, that no legislative act was required on the case, and that he had no doubt that the Legislature would in next session pass the necessary laws for this purpose. The

¹ *Journals*, vol. XXXI, pp. 892-893.

officers of the quota of this State on the frontiers presuming on a compliance with the resolve of Congress, and their own reappointment, have re-engaged a number of their men for three years; and several recruiting officers and a party of men arrived here from Fort Harmar for the purpose of completing the quota of this State. But as the case was circumstanced, they have been marched back again.

The Legislature not having passed any Laws on the subject, has created some embarrassments with respect to the commissioned officers, and the non-commissioned and privates, whose times will soon expire, and those who have again re-engaged on the frontiers. But, as the services of all the quota of New York will not expire until after the next meeting of the Legislature, I conceive that the commissioned officers may with propriety be retained until that time. The soldiers who have re-engaged being mostly foreigners, and having voluntarily continued in the service of the United States, without any regard to the quota of any particular State, they may also be retained.

Should however the Legislature at their next session, still omit to pass the laws to enable the Governor to reappoint the officers, I conceive they must be discharged. The non-commissioned and privates who have re-engaged amount probably to sixty, the whole quota of New York being one hundred and sixty-five.

I have the honor to be, etc.,

H KNOX ¹

His Excellency

THE PRESIDENT OF CONGRESS.

¹ JUNE 17, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 195, the following were referred:

Petition of Archibald Steel, dated and read June 17, 1788, regarding the settlement of his accounts. *Papers of the Continental Congress*, No. 42, VII, pp. 309-310. Referred to the Commissioner for Settling the Accounts of the Quartermaster and Commissary Departments to report. Report rendered June 23, 1788.

According to indorsement was read:

Letter of Thomas Hutchins to President of Congress, June 16, 1788, relative to running the line directed by the Act of Congress of June 6, 1788, *Papers of the Continental Congress*, No. 60, p. 335. The enclosure, a letter of Hutchins to Lord Dorchester, June 16, 1788, is on p. 331.

WEDNESDAY, JUNE 18, 1788.

Congress assembled present New Hampshire Massachusetts New York New Jersey Pennsylvania Virginia North Carolina South Carolina and Georgia and from Rhode island Mr [Peleg] Arnold from Connecticut Mr [Pierpont] Edwards from Maryland Mr [Benjamin] Contee.

[Report of committee on powers of Postmaster General ¹]

The Committee consisting of [Mr. Nathan Dane, Mr. Hugh Williamson and Mr. William Few] To whom were referred a letter from the post master General of the 13th instant and the paper accompanying it, report that on a view of this letter and paper two questions arise

First how far a governor or president of a State has power to Stop or open letters, passing in the public mail, or through the post offices of the United States.

Secondly how far a governor of a State ought to have such a power.

As to the first, the Committee observe that Congress by the Confederation have the sole and exclusive power of regulating the post offices throughout the United States and that no power can be exercised respecting the post office but what is delegated by Congress and that it does not appear that any such power has been hitherto delegated by that body to the governor and presidents of the Several States to Stop or open letters passing as aforesaid.

As to the Second the Committee observe that the power in question is of such a nature as not to be capable of being delegated with propriety to any persons except to some principal officer or officers immediately under the controul of and responsible to Congress.

Under these impressions and considering the present state of the Government of the United States the Committee are of opinion that it is inexpedient to delegate the power in question to the governors and presidents of the Several States.

¹ *Papers of the Continental Congress*, No. 61, pp. 569-570, in the writing of Mr. Nathan Dane. Read June 18, 1788. See June 13, 1788.

[Report of Board of Treasury on memorial of T. Goadsby ¹]

The Board of Treasury to whom was referred the Memorial of Thomas Goadsby,

Beg leave to Report,

That the agreement referred to in the Memorial was made by the Board, with M^r Albion Cox late of this City; in his own person; and as the Board conceived in his own behalf.

That when any person duly authorised by M^r Cox shall apply for a fulfilment of the conditions entered into on the part of the United States, the Board will be ready to execute the same.

All which is humbly submitted.

WALTER LIVINGSTON
ARTHUR LEE²

June 17th 1788.

THURSDAY, JUNE 19, 1788.

Congress assembled present as yesterday.

[Report of committee on memorial of J. Woods ³]

The Committee Consisting of M^r [Abraham] Baldwin M^r [Abraham] Clarke M^r [Nathan] Dane M^r [Thomas Tudor] Tucker M^r [Jonathan] Dayton

to whom was referred the report of the board of Treasury on the Memorial of John Woods, report

That upon examining the Claims of the s^d John Woods and the amount of the Sums by him received as reported by the board of Treasury and Agreed to by Congress on the fifteenth day of May last, there appears by the enclosed & Subsequent Statement of the payments by the said board, to have been a mistake of 178 65 dollars paid less than reported, whereupon

Resolved ⁴

¹ *Papers of the Continental Congress*, No. 138, I, p. 537, read June 18, 1788. See May 8, 1788.

² JUNE 18, 1788. According to indorsement was read:

Memorial of Samuel Nicholson, June 17, 1788, regarding his share in the prizes taken in 1777. *Papers of the Continental Congress*, No. 41, VII, pp. 138-139, with an account on p. 144. See June 20, 25 and July 2, 1788.

³ *Papers of the Continental Congress*, No. 19, VI, p. 593, in the writing of Mr. Abraham Clark. Read and passed June 19, 1788.

⁴ The report concluded with the resolve, which is given *verbatim* below.

On the report of a com^{ee} consisting of M^r [Abraham] Baldwin M^r [Abraham] Clarke M^r [Nathan] Dane M^r [Thomas Tudor] Tucker and M^r [Jonathan] Dayton to whom was referred a report ¹ of the board of treas^y on a memorial ² of John Woods

Resolved That the board of treasury take order for paying to John Woods the sum of one hundred and seventy-eight dollars and sixty ninetieths of a dollar to compleat the payment of the sum supposed to have been paid by the Act of Congress of the fifteenth day of May last.

On a report ³ of the Secretary at War to whom was referred a letter ⁴ of 9 May from his Ex^y governor Randolph enclosing a letter of 13 March last from col Jos. Martin

Resolved That an Agent⁵ be appointed for the Cherokee Nation of Indians to continue in Office six Months to commence from the time he shall take upon him the duties of his Office; the said agent to act in subordination to the superintendant of the southern department for the time being, and to govern himself in all cases by the instructions which shall be transmitted to him by Congress and that he be allowed at the rate of five hundred dollars per annum.

Ordered That tomorrow be assigned for the election of the Agent.

Congress resumed the consideration of the Supplement to the Ordinance entitled "an Ordinance for ascertaining the mode of disposing of Lands in the western territory ⁶ And the following clause ⁷ being under debate

¹ See June 4, 6 and 13, 1788.

² See May 30, 1788.

³ See May 26, 1788.

⁴ See May 20, 1788.

⁵ For the appointment of the agent see June 20, 1788.

⁶ See May 29, July 2, 7 and 9, 1788.

⁷ A manuscript copy of the entire paragraph of the original report of which this clause is the first part, is in *Papers of the Continental Congress*, No. 59, III, p. 465, in the writing of Mr. Abraham Clark. It has emendations and changes in other hands, showing modifications made during the debates of this day.

“And whereas the state of Virginia in their deed of cession to the United States reserved such a quantity of land on the north west side of the Ohio between the rivers Miami and Siota as would make up the deficiency of certain lands on the south east side of the Ohio, to satisfy their grants as bounties to their officers and soldiers in order therefore that justice may be done to the said troops agreeably to the stipulation mentioned in the said cession, be it further Ordained that no part of the said tract of land between the rivers little Miami and Siota shall be disposed of by the United States within the term of two years from the passing of this Ordinance in Order that sufficient time may be given to the state of Virginia or those entitled to bounties under said state to ascertain the quantity of land on the North west side of the Ohio requisite to make good the deficiency mentioned in the deed of cession, and that until the amount of the deficiency if any mentioned in the said deed of cession shall be clearly ascertained to the satisfaction of Congress, no locations whatever for that purpose or on account thereof shall be made by any of the Officers or soldiers of the Virginia troops on the North west side of the Ohio.

A motion was made by M^r [Edward] Carrington seconded by M^r [John] Brown to strike out the words “And that until the amount of the deficiency &c to “Ohio inclusive

And on the question shall those words stand the yeas and nays being required by M^r [Abraham] Clark

¹ *New Hampshire*

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	ay	}ay
M ^r Otis	ay	

Rhode Island

M ^r Arnold	ay	*
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Connecticut

M ^r Edwards	no	*
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New York

M ^r L'Hommedieu	ay	}ay
M ^r Yates	ay	

New Jersey

M ^r Clarke	ay	}ay
M ^r Dayton	ay	

¹ Roger Alden enters the vote.

<i>Pensylvania</i>		<i>North Carolina</i>	
M ^r Bingham	ay	M ^r Williamson	ay
M ^r Reid	no	M ^r Swann	ay
<i>Maryland</i>		<i>South Carolina</i>	
M ^r Contee	no *	M ^r Parker	no
<i>Virginia</i>		M ^r Tucker	no
M ^r Griffin	no	<i>Georgia</i>	
M ^r Carrington	no	M ^r Baldwin	no *
M ^r Brown	no		

¹ So the question was lost and the words were struck out.

Ordered that the Supplement as amended be referred to a com^{ee} of five.²

[Supplement to land ordinances as recommitted ³]

A Supplement to an Ordinance entitled, "An Ordinance for ascertaining the mode of Disposing of Lands in the Western Territory.

Whereas it appears inconvenient to pursue the mode prescribed in the Land Ordinance passed the twentieth day of May, in the year one thousand seven hundred and eighty-five, for disposing of the Land therein directed to be surveyed, by allotting certain proportions thereof to the several States, to be Sold by the Loan-Officers in each State. And whereas a sufficient quantity of Land hath been appropriated for the bounties to the late Continental Army, since passing the abovementioned Ordinance, as to render any further draughts for that purpose out of the Townships already surveyed unnecessary, Therefore,

¹ Charles Thomson resumes the entry.

² According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 195, the committee consisted of Mr. Nathan Dane, Mr. Abraham Clark, Mr. Abraham Baldwin, Mr. Hugh Williamson and Mr. Pierpont Edwards. It reported July 2, 1788.

³ *Papers of the Continental Congress*, No. 59, III, pp. 463-464. This is a printed copy of the committee report of March 19, 1788, with manuscript changes made by Charles Thomson, showing amendments made during the debates. The portions underlined by the editor indicate the amendments to the original report. There is another copy of the amended form of the supplement, part manuscript, in the writing of Roger Alden, and part clippings from the printed report, in *Papers of the Continental Congress*, No. 56, pp. 489-493. This is a fair copy of the amended report, which bears numerous changes, possibly made by the committee during reconsideration. See February 22, May 29 and July 9, 1788.

Be it ordained by the United States in Congress assembled, That so much of the said Ordinance passed the twentieth day of May, in the year one thousand seven hundred and eighty-five, as ordains certain parts of the Townships therein directed to be surveyed to be drawn for in the name of the Thirteen States respectively, according to the quotas in the last preceding requisition on all the States, in order that the same might be sold by the Loan-Officers in said States; And also, that part of the said Ordinance which directs that the Secretary at War shall take by lot, from the Townships, when surveyed, a number of Townships and fractional parts of Townships, for the use of the late Continental Army, so far as the same respects future draughts for that purpose, shall be, and the same are hereby repealed.

And be it further ordained, That the Board of Treasury proceed to the Sale of the three last ranges of Townships surveyed in the Western Territory, in the same manner, and upon the same conditions, and under the same restrictions and limitations prescribed in the Resolutions of Congress of the twenty-first of April last, (except as to the place of Sale and daily continuance thereof) including in such Sales the parts thereof, which, by the Ordinance of the twentieth of May, one thousand seven hundred and eighty-five, were directed to be drawn for the late Army. And also, that the Board of Treasury proceed to sell such parts of the first four ranges of Townships as they were directed to sell by the Resolutions of the twenty-first of April 1787, which remain unsold; That the said Board be authorised to commence the Sale of the Lands above-directed to be Sold, either at New-York or Philadelphia; and may adjourn such Sales from time to time to any part or parts of the United States which they shall judge most proper for the purpose, until the whole be Sold.

That the Secretary at War issue warrants for bounties of Land to each of the Officers and Soldiers of the late Continental Army who may be entitled to such bounties, or their respective Assigns or legal representatives, certifying therein the rank of each Officer, and the line regiment, corps company, or station in which such officer or soldier had served.

That the Geographer, by warrant under his hand and seal, appoint one Surveyor to each of the two Tracts or Districts of Land reserved and set apart for the purpose of satisfying the military bounties due to the late Army by the Act of Congress of the twenty-second of

October last; That the persons intitled to lands by virtue of such warrants shall be at liberty to locate them on any part of the two tracts or districts of land reserved and set apart for the purpose of satisfying the military bounties due to the late army provided that each location be made either in contact with some point or part of the external boundary of the said tracts respectively or of some prior location therein, and the external lines of each survey shall run east and west North and south And shall be in squares unless restrained by the lines of former surveys. Locations to be made by causing a survey of the tracts located. That each Surveyor upon laying out any Tract, shall protract and lay the same down on a general Map to be kept and preserved, and shall number each Lot in the order they are surveyed, which shall also be in the order warrants are presented for laying out. That each Surveyor, upon the location of each warrant, shall make out and deliver to the proprietor thereof, a survey of the Land laid out, with a description of the lines and boundaries thereof, certified under his hand, first recording the same in a book to be kept for that purpose; and shall retain in his hands all warrants by him laid out and located, until he can transmit the same to the Board of Treasury, which he shall do within one year after laying out the Land, certifying thereon, under his hand, that the same is satisfied.

That the Surveyors to be appointed as herein before directed, shall be entitled to receive for the services enjoined them by this Ordinance, so much only as shall be allowed and fixed by the Governor and Judges of the Western Territory, and shall be liable to be displaced by the Geographer for neglect of duty or other misbehavior; in which case he shall supply any vacancy so happening by a new appointment.

That each Surveyor who may be appointed under this Ordinance, before he enters upon the duties of his office, shall take an oath or affirmation, that he will justly and truly execute the trust reposed in him as surveyor of a District of Land in the Western Territory, according to the best of his skill and understanding, without favor or partiality. Which oath or affirmation shall be taken before the Governor or either of the Judges of the Western Territory, or one of the Justices of the Supreme Court in either of the United States, and being duly attested, shall be transmitted to the Secretary of Congress, to be by him filed of record.

That the Maps and Records before-mentioned, shall at all times be subject to the orders of Congress, to be removed or deposited wherever they shall direct.

That if any Officer or Soldier, or Assignee or Grantee of either, shall desire to have their bounty of Land allotted in the Townships or fractional parts thereof, lately drawn for the Army by the Secretary at War, out of the first four ranges of Townships surveyed West of the Ohio, and shall cause such his desire in writing, together with his Land warrant, to be deposited in the office of the Secretary at War, the said Secretary, whenever warrants sufficient to cover the Land so drawn shall be deposited in his office for that purpose, shall cause the said Land to be divided among such applicants by lot, according to their respective rights, for which surveys shall be made out and delivered to the several proprietors, signed by the Geographer of the United States, which surveys shall be recorded in a book by the Geographer, and lodged in the Treasury Office.

And whereas the State of Virginia in their deed of Cession to the U. S. reserved such a quantity of land on the north west side of the Ohio between the rivers Miami and Sioto as would make up the deficiency of certain lands on the South east side of the Ohio, to satisfy their grants of bounties to their Officers and soldiers, which deficiency hath not been ascertained to Congress, in order therefore that Justice may be done to the said troops agreeably to the stipulation mentioned in the said cession Be it further ordained that no part of the said tract of land between the rivers little Miami and Siota shall be disposed of by the U S within the term of two years from the passing of this Ordinance in order that sufficient time may be given to the State of Virginia or those entitled to bounties under said State to ascertain the quantity of land on the North west side of Ohio requisite to make good the deficiency mentioned in the deed of cession.¹

¹ JUNE 19, 1788. According to indorsement the report of the committee on the memorial of George Morgan and the inhabitants of Illinois and St. Vincents was the order of the day, but the *Journal* does not indicate any action. See June 12 and 20, 1788.

FRIDAY, JUNE 20, 1788.

Congress assembled. Present New Hampshire Massachusetts, Rhode island, New York, New Jersey, Pennsylvania Virginia North Carolina South Carolina and Georgia and from Connecticut Mr [Pierpont] Edwards and from Maryland Mr [Benjamin] Contee.

According to Order Congress proceeded to the election of an Agent for the Cherokee Nation of Indians agreeably to the act passed yesterday¹ and the ballots being taken Col. Joseph Martin was elected having been previously nominated by Mr [John] Brown.

The com^{ee} consisting of Mr [Hugh] Williamson Mr [Nathan] Dane Mr [Edward] Carrington Mr [Dyre] Kearny and Mr [Paine] Wingate to whom was referred a memorial² of George Morgan and his Associates respecting a tract of land in the Illionois country on the Mississippi having reported³ thereon and their report⁴ being amended to read as follows "That there are sundry french settlements on the river Mississippi within the tract which Mr Morgan and his associates propose to purchase. Near the mouth of the river Kaskaskies, there is a village which appears to have contained near eighty families from the beginning of the late revolution. There are twelve families in a small village at La prairie du rochers, and near fifty families at the Kahokia village. There are also four or five families at fort Chartres and St Philips which is five miles farther up the river. The heads of families in those villages appear each of them to have had a certain quantity of arable land alloted to them and a proportionate

¹ See June 19, 1788.

² See May 13, 14 and 23, 1788.

³ See June 12 and 19, 1788.

⁴ *Papers of the Continental Congress*, No. 19, IV, p. 157. This is a printed copy of the original report with manuscript changes to bring it into conformity with the adopted resolution. The report as adopted was entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 29-36.

quantity of meadow and of woodland or pasture. Your Committee are of the opinion that from any general sale which may be made of the lands on the Mississippi there should at least be a reserve of so much land as may satisfy all the just claims of the ancient settlers on that river and that they should be confirmed in the possession of such lands as they may have had at the beginning of the late revolution, which may have been allotted to them according to the laws or usages of the governments under which they have respectively settled. And whereas an additional quantity of land may be necessary for the support of those people whenever the settlement shall encrease, and the indian trade, by which they have chiefly subsisted shall become less profitable, your Com^{ee} are of the opinion that such allowance should also be made to them within the reserved limits. Your Committee observe that in the contract which is already made for the sale of a tract of land in the Western country, the purchasers are to be charged with surveying three lots which are reserved for the benefit of the United States. They conceive that future contractors may be relieved from this expence, but they would propose that every agreement hereafter to be made shall be equally binding on the contracting parties, whereupon they submit the following resolves

That the board of treasury be authorised to contract with any person or persons for a grant of a tract of land, which shall be bounded as follows: Beginning on the rive Au vase in the parallel of latitude of the mouth of little Wabash river, thence running due north to the parallel of latitude which passes through the mouth of Wood river, thence west to the mouth of Mississippi at the mouth of Wood river, thence down the river Mississippi to the mouth of the river Au Vase, thence up the said river to the place of beginning, under the exceptions and reservations herein after mentioned.

That the purchaser or purchasers shall oblige themselves to lay off the tract at their own expence into townships or fractional parts of townships, and to divide the same into lots according to the land Ordinance¹ of the 20th May 1785, compleat returns of which are to be made to the board of treasury. The lot N 16 in each township or fractional part of a township to be given perpetually for the purposes contained in the said Ordinance; and the lot N 29 in each township or fractional part of a township to be given perpetually for the purposes of religion; and that each of the several townships shall be thus laid off before the original purchaser or purchasers shall have disposed of the same or made any settlement therein. The price to be not less than two thirds of a dollar per acre for the contents of the said tract, except the reservations and gifts herein mentioned, payable in specie, loan office certificates reduced to specie value, or certificates of liquidated debts of the United States; the principal only of the said certificates to be received in payment; And the board of treasury, for such interest, as may be due on the certificates, rendered in payment as aforesaid, prior to the first day of January 1787, shall issue indents for interest to the possessors which shall be receivable in payment as other indents for interest of the existing requisitions of Congress; and for such interest as may be due on the said certificates between that period and the time of payment the board shall issue indents, the payment of which to be provided for hereafter. That part of the purchase money, not less than one hundred and fifty thousand dollars shall be paid down upon the closing of the contract, and the remainder of the purchase money, whenever the indian claim shall have been extinguished and the boundary line of the tract run by the geographer of the United States or his assistant, the contents of the land which is to be sold ascertained and a

¹ *Journals*, vol. XXVIII, pp. 375-381.

plot of the same returned to the office of the treasury board; on which payment a grant shall be made and the purchaser or purchasers shall have the right of entry and occupancy.

That separate tracts shall be reserved for satisfying the claims of the ancient settlers which shall be included within the following boundary, viz. A straight line to be extended from the mouth of the little river Marie below the river Kaskaskies to the old French fort on the east side of the said river Kaskaskies and opposite the Kaskaskie village, thence north three miles; thence west across the Kaskaskies river to the ridge of rocks and high land, which extend from the Kaskaskies to the Illionois rivers; then along the [west] side or foot of the said ridge of rocks and high land to the parallel that runs two miles north of the church at Kahokia; thence west to the river Mississippi; thence down the said river to the mouth of the river Marie.

That measures be immediately taken for confirming in their possession and titles the French and Canadian inhabitants and other settlers on those lands who on or before the year 1783 had professed themselves citizens of the United States or any of them, and for laying off the several tracts which they rightfully claim within the described limits; and for laying off for the benefit of the said inhabitants three additional tracts adjoining the several villages Kaskaskies, La prairie du rochers, and Kahokia, in the form of a parallelogram, extending from the river Mississippi eastward to the ridge of rocks before described and of such extent as shall contain four hundred acres for each of the families now living at either of the villages of Kaskaskies, La prairie du rochers, Kahokia, fort Chartres or S^t Philips. The additional reserved tract adjoining the village of Kaskaskies shall be for the heads of families in that village; the tract adjoining La prairie du rochers for the heads of families in that village and the tract adjoining Kahokia for the heads of

families in that village [, as] also for those at fort Chartres and S^t Philips. Such additional donations of four hundred acres each to be distributed by lot and immediate possession given. Provided nevertheless that no person thus obtaining possession of such donation lands shall have power to alienate the same, until he or she, or his or her heirs shall have resided at least three years from the time of such distribution, within that district; at the end of which period every such resident shall obtain a title to the reserved lot; and all lots not thus conveyed to residents shall revert to the United States.

That whenever the French and Canadian Inhabitants and other settlers aforesaid shall have been confirmed in their possessions and titles and the amount of the same ascertained, and the three additional parallelograms for future donations and a tract of land one mile square on the Mississippi extending as far above as below fort Chartres and including the said fort, the buildings and improvements adjoining the same, shall be laid off; the whole remainder of the soil within the reserved limits above described shall be considered as appertaining to the general purchase and shall be conveyed accordingly.

That measures be immediately taken to extinguish the Indian claim, if any such exists, to the land bordering on the Mississippi from the mouth of the Ohio to a determined station on the Mississippi, that shall be sixty or eighty miles north from the mouth of the Illionois river and extending from the Mississippi as far eastward as may be.

That the governor of the western territory be instructed to repair to the French settlements on the Mississippi at and above the Kaskaskies. That he examine the titles and possessions of the settlers as above described in order to determine what quantity of land they may severally claim, which shall be laid off for them at their own expence; and

that he take an account of the several heads of families living within the reserved limits, in order that he may determine the quantity of land that is to be laid off in the several parallelograms, which shall be laid off accordingly by the geographer of the United States or his assistant, at the expence of the United States.

That the geographer of the United States be instructed to take the latitude of the mouth of the river Au vase, and the mouth of Wood river, and of the northeast and southern angle of the tract; and that in executing all other large surveys he take the latitude of three or four of the chief corners."

Resolved That Congress agree to the said report.

[Report of Secretary of Congress on memorial of S. Nicholson¹]

OFFICE OF SEC^Y OF CONGRESS

June 19, 1788

On the memorial² of Samuel Nicholson late commander of the Sloop Dolphin in the service of the United States, representing that in the year 1777 he in company with Capt Wickes of the reprisal and capt Johnston of the Lexington captured seventeen vessels seven of which were according to his Orders sent into the ports of France to the address of Thomas Morris agent for the United States who made sale thereof, but that neither the memorialists nor his Officers have received their respective shares of any of the said prizes, and praying that what he estimates the share coming to him may now be paid to him

The Sec^y of Congress reports

That the memorial of Samuel Nicholson with the papers accompany it be referred to the Commissioner for the marine department to report.³

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 78.

² See June 18, 1788.

³ According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 196, the memorial was referred to the Board of Treasury to report. Report rendered June 25 and acted on July 2, 1788.

[Report of committee on letter from Governor of Georgia¹]

The Committee [consisting of Mr. Abraham Baldwin, Mr. Nicholas Gilman, Mr. Nathan Dane, Mr. William Bingham and Mr. Pierpont Edwards] to whom was referred the letter from the Governour of Georgia of recommend that congress enter into the following Resolve That should the Superintendant and commissioners appointed for holding treaties with the Indians in the southern department, not be able to bring the Indians to explain the cause of their present hostilities, and to enter into a treaty with the United States upon reasonable terms, congress will take measures for the protection of that frontier of the United States.²

MONDAY, JUNE 23, 1788.

Congress assembled, present New hampshire, Massachusetts Rhode island New York New Jersey, Virginia South Carolina and Georgia and from Connecticut M^r [Pierpont] Edwards, from Pensylvania M^r [James R.] Reid from Maryland M^r [Benjamin] Contee and from North Carolina M^r [Hugh] Williamson.

[Report of Board of Treasury on extension of time for exhibiting accounts³]

The Commissioners of the Board of Treasury to whom it was referred to Report on a Letter of Andrew Dunscomb Esq^r Commissioner of the State of Virginia for settling their Accounts with the United States, addressed to his Excellency the Governor of the said State, and dated on the 23^d of May last,

¹ *Papers of the Continental Congress*, No. 20, II, p. 463, in the writing of Mr. Abraham Baldwin. Read June 20, 1788 and postponed. Acted on July 15, 1788. See February 1, June 4 and 27, 1788.

² JUNE 20, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 196, was referred to the Board of Treasury to report:

Complaint of Chevallie respecting the settlement of the accounts of Beaumarchais. According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 35, the complaint was received on June 20, 1788. See September 25 and October 1, 1788.

³ *Papers of the Continental Congress*, No. 138, I, pp. 309-330, read June 23, 1788. The accompanying papers A and B and nos. 1-6 are on pp. 337-379. The covering letter of the Board is on pp. 333-335. See June 6 and 24, 1788. See also May 7, 1788.

Beg leave to Report to Congress

That the object of the said Letter, is to shew that the term limited by the Ordinance ¹ of the 7th of May 1787, for exhibiting the Accounts of the several States against the United States, is not, in the case of Virginia, sufficiently extensive, to insure Justice to the State, or a compliance with the views of Congress.

In support of this Opinion it is alledged by the Commissioner, First, "That in ascertaining the Claims arising from Bounties paid, and Advances made for the Recruiting service, the Commissioner of the District requires the following proofs, viz^t

"The receipt of the Soldier for his Bounty, and

"That of an Officer for the Recruit, or a Muster-roll proving his Enlistment.

"That, these evidences cannot in any *one* instance be applied to the support of those Claims, that is, the whole of the above proof; and therefore, that in his opinion, the State of Virginia will be exposed to a possible loss, unless she has power to call the Recruiting Officer to Account, and the Officer receiving such Recruits, for his proof of delivery."

On which the Board beg leave to observe,

That it does not appear, by any documents whatsoever in this Office, that any such proofs as M^r Dunscomb states, have been required by the Commissioner of the District; whose sole duty, in this respect, is to *receive* and forward to the Commissioner of Army Accounts the Accounts and Vouchers falling under the above description; and not to *judge* of the evidence adduced in support of such expenditures.

That, on the contrary, the only matter in difference betwixt the Commissioner on the part of the United States, and the State Commissioner appears to be, the form of the descriptive acknowledgment, to be given to the State for the papers above mentioned, previous to their being forwarded to the Office of the Commissioner of Army Accounts, this will appear by the Letters of the Commissioner of the United States marked A and B together with their inclosures N^o 1, a. 6, accompanying this Report.

With respect to the power of the State, to call for the proofs stated by the District Commissioner, the Board presume no doubt can be entertained; neither can the term limited by the Ordinance for

¹ Journals, vol. XXXII, pp. 262-266.

exhibiting the above accounts preclude the possibility of attaining the requisite evidence Because,

In the first place, Although a term is fixed for exhibiting the above accounts, no period is determined on by the Ordinance, for the duration of the Office of the Commissioner of Army Accounts, whose duty it is to examine the same. The presumption is that this Office is intended to exist during the time fixed for the Commission of the General Board; which agreeably to the Ordinance is extended to Eighteen months, from the period at which they enter on the duties of their Office. In the examination of the Accounts, which are submitted to the cognisance of the Commissioner of Army Accounts, he will of course point out the requisite evidence to the several States; who will have sufficient time to adopt the necessary measures for procuring the same, in all instances where it *can* be procured. And Because, In those instances where it *cannot* be procured, The Accounts, (although not past by the Commissioner of Army Accounts) are still liable to be exhibited, under the head of equitable claims, to the General Board of Commissioners who are authorised to admit in support thereof such circumstantial proof as they shall judge proper, and to settle the same on equitable principles.

The second reason offered by the State Commissioner is, "That in ascertaining the pay and depreciation of pay, of the States quota of Continental Troops, the Muster-rolls (it is said) are necessary, to ascertain the time of Service, and an account properly stated, and attested; with a Certificate of a Field Officer to that of each non-Commissioned Officer and Private; together with a receipt for the sum paid.

"That almost in every instance the essential parts of this evidence is wanting; that no Register of the Certificates issued by the State for the above purpose can be procured; and that of course the whole of those Claims will be affected, to the great injury of the State, unless she has an opportunity of procuring testimony that will prove her right to credit for the above advances; and which cannot possibly be obtained in the limited time."

The third reason is, "That in advances to the Militia the proofs demanded are; the Authority of Congress for calling them out; the evidence of an Officer of the United States that they were in actual Service, with attested Rolls, and Receipts for payment."

“That few of the Militia Accounts of the State of Virginia have the Sanction of the first of these proofs; that many of them want the second and third, and *all* of them the last; and further that there is no Register on Entry of the amount issued.”

“That these deficiencies will naturally produce a considerable loss to the State, unless they have time to prove indubitably the second and third points, which will aid the others.”

To these reasons, it will be observed by Congress, that the remarks made by this Board on the first article, will equally apply; to which it may be added; that if the deficiency of Vouchers is such, as the State Commissioner, in certain instances, sets forth, no extension of time will, in all probability, enable the State, to supply such evidence, as will authorise the same, being admitted by any other authority than that of the General Board. It is however to be presumed, that the State will be able to furnish a Register of the Certificates, issued by the State, for Pay, and Depreciation of Pay, to their quota of the Continental Army, and for the pay of the Militia, for although, in the Original issue of such Certificates, no Registers may have been established, and preserved, an Abstract of the same may, in all probability, be formed, by examining the payments of Interest made on the same, for some years past, at the Treasury of the State.

The fourth reason assigned by the State Commissioner is, “that in the delivery of Supplies on the Specific Requisitions, the Officers appointed to execute that business did not conform to the regulations, prescribed by the Resolves ¹ of the 25th of February 1780, for that, instead of giving an evidence of supply in an intelligible manner, divination is often necessary to comprehend their intentions; and therefore, that unless, time is allowed to prove, the right of persons, receiving such Specific Supplies of Provisions from the United States, the one half of the Accounts, under this head, must be lost.”

On this Objection, the Board beg leave to observe, That although the time is limited for exhibiting the said Accounts at the Office of the Treasury, yet, in such instances, where the Vouchers, offered in support thereof, are not sufficient, the State will have an opportunity of corroborating their claims by such additional evidence, as the Accountant of the Treasury shall, on an examination, judge necessary; and that, in all events (as in the case of every other claim) the supplies not admitted at the Treasury, for want of regular Vouchers, may be

¹ *Journals*, vol. XVI, pp. 196-201.

exhibited to the General Board of Commissioners, and at their discretion, allowed under the head of equitable claims.

The last reason offered by the Commissioner is so exprest, that the Board are not certain that they can form any definite idea of his meaning. It appears to be this, "That in claims arising in the Staff or Marine Departments, from the want of Vouchers of receipt by, or delivery to an Officer of the United States, and proofs of the cost and payment of articles delivered, it will be impossible to support this class of accounts in the expected manner; that this failure in proof, is imputable to loss of Papers; and therefore, that more time is necessary for explaining defective Entries, and Vouchers, and obtaining receipts for payment, or such other evidence as the State Commissioner has, or may apply for, to prove the advance or service necessary.

For the examination of this class of Accounts, the Board observe that a further term of time may be, perhaps, necessary; because they fall properly under the cognisance of the District Commissioner, whose decision on such as he may pass (so far as it respects the validity of Evidence) is conclusive.

It appears however, from the description of the State of said Accounts, and from a consideration of the number of years, which has elapsed, since a Commissioner on the part of the United States was appointed to examine the same, that there is little or no probability, that the greatest part of them can ever be past by the District Commissioner; for want of the necessary Vouchers. In which case, they must of course, be brought under the head of equitable claims, to support which (as has been before observed) sufficient time is certainly allowed to the States. The Board beg leave, therefore to suggest, whether an early appointment of the General Commissioners will not be adviseable: Accounts from some of the States have already been transmitted to this Office, and that of the Commissioner of Army Accounts, and more may be daily expected.

The Board have judged it necessary to be thus particular on the Remarks of the State Commissioner, because he does not appear to have rightly understood the Ordinance for settling the Accounts of the United States with the several States. Perhaps it may be judged proper to extend generally, for a few Months, the duration in Office of the district Commissioners; since in other States, whose accounts are in all probability in a more regular form than those of Virginia,

the Commissioners will not, within the term limited be able to decide on all such Claims, as come under their immediate cognisance. This extension ought not however, in the opinion of the Board, to exceed a space of three months.

A speedy adjustment of all accounts betwixt the several States, and the Union, on equal and liberal principles is of the highest moment to the peace and welfare of the Confederacy; it is therefore to be regretted, that any difference of sentiment should have taken place, betwixt the Commissioners, as to the form of the descriptive acknowledgment, to be given, on the part of the United States, for the accounts, which are to be transmitted to the Treasury Office, and that of the Commissioner of Army Accounts.

The Board presume that it could never have been in the contemplation of Congress, that any more than a general descriptive acknowledgement of the receipt of such accounts should have been given; because, a minute description (such as is expected by the State Commissioner) would necessarily employ the whole time of the District Commissioner, and an unlimited number of Clerks to complete the same; Besides the same business must again be gone through by the Officer who is authorised by the Ordinance to examine, and adjust the said Accounts.

That this is the true meaning of the Ordinance may be inferred, not only from the reasons above stated; but from the construction put on it by those States, whose Accounts have been forwarded to the Treasury, and Office of Comm^r of Army Accounts, without insisting on any other, than a general descriptive acknowledgement. It is therefore to be expected, that the State of Virginia will, on a mature consideration, agree to the same, more especially, as they will observe, in the Remarks made in this Report, that the State will still have it in their power to supply evidence to such claims, as may now be exhibited.

The reason which appears to be assigned for the minute description required by their Commissioner is an apprehension of the Loss of the whole, or part of the Accounts and Vouchers delivered, to be forwarded; but, if a receipt is given by the district Commissioners on Abstracts specifying under a general Caption, the several disbursements made by the State, on account of the United States, together with the date, and amount of payment; and the description or name of the Corps, or party receiving the same; such an acknowl-

edgement must be surely considered as sufficiently descriptive; because the same description cannot apply to any other papers; and therefore, if any loss should happen to them (after they are thus receipted for by the Commissioner of the United States) they must, it is presumed be considered as proper Vouchers; unless the Union should be able to shew the contrary. This opinion is warranted by the conduct of Congress in their Resolve ¹ of the 3^d June 1784, relative to certain accounts of the State of Massachusetts; some of the Vouchers to which had been lost, after they were lodged with an Officer of the United States.

On the whole, the Board beg leave to suggest to the consideration of Congress; whether, as the Ordinance of the 7th of May last (so far as it respects the right of the States to furnish additional evidence, in support of their claims, after the same are transmitted to the Office of the Treasury; and that of the Comm^r of Army Accounts) does not appear to be well understood, it would not be adviseable to pass some Resolve expressive of the sense of Congress in this respect; and further, to make it expressly the duty of the Commissioner of Army Accounts, the Accountant of the Treasury, and general Board of Commissioners to point out, from time to time, to the several States, such additional Vouchers or other Testimony, as, in their opinion, may be requisite to support their just claims against the Union.

If these measures are adopted, and the Authority and Duties of the District Comm^r extended to Nine instead of Six months (for the reasons stated in this Report) the United States in Congress will, in the opinion of this Board, give an additional proof of their sincere and anxious desire to make a final adjustment of all Accounts betwixt the several States and the Union, on equal, and liberal principles.

For this purpose the Board submit to the Consideration of Congress the following Resolves, viz^t

Resolved, That the Authority and Duties of the District Commissioners appointed in pursuance of the Ordinance of Congress of the 7th of May 1787 be continued for the space of Nine Months, after they have severally entered on the Duties of their Commission; anything in the aforesaid Ordinance to the contrary notwithstanding.

Postponed

¹ Journals, vol. XXVII, pp. 545-546.

Resolved, That the several States be authorised to transmit to the Accountant of the Treasury, the Commissioner of Army Accounts and the general Board of Commissioners (to be appointed in pursuance of the Ordinance of the 7th May 1787) such additional Vouchers or other Testimony, as they may think necessary to support any Claims by them exhibited to the respective Officers aforesaid; provided the same be transmitted within three [six] months previous to the termination of the Office of the general Board of Commissioners, as fixed by the Ordinance abovementioned, and further, that it be the duty of the respective Officers to point out to the several States at any period within twelve months from the date of this Act, such additional Vouchers or other Testimony, as, in the progress of examination shall appear necessary to support any just or equitable claims, which the States may have respectively exhibited against the Union.

Resolved, As the sense of this Congress, that the peace and welfare of the Confederacy are deeply interested in a speedy and final adjustment of all Accounts betwixt the several States and the United States; and therefore that it would not be advisable to make any further continuation of the Office of the District Commissioners, than what is prescribed by the foregoing Resolves.

All which is humbly submitted.

June 23^d 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Commissioner for Settling Accounts on memorial of A. Steele¹]

The Commissioner for settling the accounts of the Quarter Masters and Commissarys Departments to whom was refered the Memorial of Archibald Steel late Dep^y Quarter Master General; begs leave to Report

That pursuant to an order of Congress of the 28th of February last he settled M^r Steels accounts of disbursments as Deputy Q Master General under Gen^l Mifflin, from April 1777 to March 1778, and issued Certificates for the balance due to him, including his pay, the hire of several Teams which he kept in public service and sundry other claims to the amount of 4,736 Dollars.

¹ *Papers of the Continental Congress*, No. 31, pp. 347-350, read June 23, 1788. See June 17, 1788.

That your Commissioner, in a Letter which he had the honor of addressing to the Board of Treasury at that time gave the reasons why he did not think proper to issue a Certificate for the balance that appeared to be due to M^r Steel on his Account of disbursements as a Deputy under General Greene, from March 1778 to the end of the year 1780, agreeably to the statement then made; the principal of which were, That M^r Steel had kept no accounts of any kind, and when he applied for a settlement in the summer of 1787, could form no Idea whether the balance would be in his favor or against him. That accounts were afterwards made from the loose receipts taken by himself and Assistants; but no statements of the accounts between him and them appeared.

That a great number of Certificates had been issued by him and his Assistant in payment for Forrage &c, and the receipts which they took did not in all instances distinguish the payments in Certificates from the payments in Cash. That the Register of those Certificates given in by him was inaccurate, and did not contain the whole of them, as appeared by the Returns of Certificates taken up by the Commissions in Pennsylvania. That the greatest part of his Certificates were taken up in the State of Virginia from whence no returns had been obtained, and it is very probable many may appear that are not on his Register which will reduce his balance.

That he produced no satisfactory account of the sale of public stores; those which he Credits being taken from loose papers found among the accounts of his Assistants, and are all he recollects to have been sold.

From the large balance which appeared in M^r Steels favor your Commissioner was then apprehensive that he had received some money which was not charged to him in the Books of this Office; and a charge for 30,000 Dollars advanced to him by Gen^l M^e Intosh has since appeared against him; This justifies the suspicion, as it was not Credited by him.

From this state of facts it is obvious that the delays and difficulties in obtaining a settlement, which he complains of, are to be wholly attributed to his own neglect; and that a settlement made from such documents as he produces, will, (after the most thorough investigation has taken place) remain unsatisfactory and uncertain. Your Commissioner is therefore of opinion that no settlement can with safety be made untill returns of the Certificates taken up by the State

of Virginia, the State of Pennsylvania and the late Commissioner in Virginia, are obtained.

All which is humbly submitted.

JONth BURRALL Com^r.¹

OFFICE OF ACCOUNTS FOR QM^r AND
COM^y DEP^t June 20th 1788.

TUESDAY, JUNE 24, 1788.

Congress assembled present New Hampshire Massachusetts Rhode Island New York New Jersey Pennsylvania Virginia South Carolina and Georgia and from Connecticut M^r [Pierpont] Edwards from Maryland M^r [Benjamin] Contee and from North Carolina M^r [Hugh] Williamson.

On a report² of the board of treasury to whom was referred a letter³ of Andrew Dunscomb esq^r commissioner of the state of Virginia for settling their accounts with the United States addressed to his Ex^y the governor of the said state and dated on the 23 of May last

Resolved ⁴ That the several States be allowed three Months in addition to the time limited by the Ordinance⁵ of the 7th May 1787 for exhibiting to the district commissioners their respective accounts against the United States; and that three Months be added to the twelve Months mentioned in the said ordinance for terminating the commissions of the said district commissioners.

Resolved That the several states be authorised to transmit to the accountant of the treasury, the commissioner of army

¹ JUNE 23, 1788. According to indorsement was read:

Memorial of Samuel H. Parsons and James M. Varnum, April 8, 1788, with reference to the time when their salary was to begin. *Papers of the Continental Congress*, No. 41, VIII, p. 242. See June 24 and July 9, 1788.

² See June 23, 1788.

³ See June 6, 1788.

⁴ This resolve was adopted on a motion for amendment which is in *Papers of the Continental Congress*, No. 138, I, p. 331, in the writing of Mr. Edward Carrington.

⁵ *Journals*, vol. XXXII, pp. 262-266.

accounts, and to the general board of commissioners to be appointed in pursuance of the ordinance of the 7 May 1787 such additional vouchers or other testimony as they may think necessary to support any claims by them exhibited to the respective Officers aforesaid, provided the same be transmitted ~~within~~ at least six months previous to the termination of the Office of the general board as fixed by the ordinance above mentioned.¹

WEDNESDAY, JUNE 25, 1788.

Congress assembled present New hampshire Massachusetts Rhode island New York New Jersey Pensylvania Virginia and South Carolina and from Connecticut M^r [Pierpont] Edwards from Maryland M^r [Benjamin] Contee from North Carolina M^r [Hugh] Williamson and from Georgia M^r [Abraham] Baldwin.

On motion of M^r [Abraham] Clarke seconded by M^r [Hugh] Williamson

Resolved That the office of Inspector of the troops in the service of the United States immediately cease and be discontinued, and that the Secretary at war report what mode may be most eligible for having the troops inspected for the future.

¹ JUNE 24, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 196, the following committee was appointed:

Mr. Hugh Williamson, Mr. Nathan Dane, Mr. Abraham Clark, Mr. Thomas Tudor Tucker and Mr. Abraham Baldwin to prepare instructions to the governor of the Western territory for his conduct in the measures to be taken by the United States previous to their conveying a tract of land on the Mississippi. Report rendered July 7, 1788. See June 26 and August 29, 1788.

Also according to the *Committee Book*, the following were referred:

The memorial of Judges Parsons and Varnum, with reference to the commencing of their salary. See June 23, 1788. Referred to the Board of Treasury to report. Report rendered July 9, 1788.

The report of the Board of Treasury on petition of Elizabeth Wallace respecting money due Robert Patton. See June 13, 1788. Referred to the Board of Treasury to take order. See also May 21 and 22, 1788.

[Motion of Mr. Wingate regarding claims ¹]

Whereas by the Resolution ² of July 23, 1787, it was resolved that all persons having unliquidated claims against the united states, pertaining to the marine, as well as several other departments, shall exhibit particular abstracts of such claims to the proper commissioner appointed to settle the accounts of those departments within eight months from the date thereof, and

Whereas the Officers, marines and other[s] ~~seamen~~ who served during any part of the late war on board ~~the~~ continental armed Vessels, may not have received timely notice of this order, or have had opportunity to present their claims within the time limited, by means of their being absent from ~~the country~~ [these states], on long Voyages, or for other good reasons,

Therefore

Resolved that the said Officers marines and ~~seamen~~ others shall be allowed to bring in their claims for adjustment for the space of months further from the passing of this resolution, and the commissioner of the marine department is directed to settle with them accordingly, the Resolution of July 23, 1787 notwithstanding.

[Report of Board of Treasury on memorial of S. Nicholson ³]

The Board of Treasury to whom were referred the Memorials of Samuel Nicholson of the 23^d March 1787,⁴ and 18th June 1788,⁵

Beg leave to Report to Congress

That the Petitioner states, that during the late War with Great Britain, he Captured in company with two armed Vessels, commanded by Captains Weeks and Johnson in the Year 1777, Twenty five sail

¹ *Papers of the Continental Congress*, No. 36, III, p. 403, in the writing of Mr. Paine Wingate. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 196, the motion was referred to the Board of Treasury to report. Report rendered July 14, 1788, according to the *Committee Book*; July 11, 1788, according to indorsement.

² *Journals*, vol. XXXIII, p. 392.

³ *Papers of the Continental Congress*, No. 138, II, pp. 205-210, read June 25, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 196, the report was referred to a committee consisting of Mr. Nathan Dane, Mr. Abraham Baldwin, Mr. Paine Wingate, Mr. Pierpont Edwards and Mr. Hugh Williamson. Report rendered June 27 and acted on July 2, 1788. See June 20, 1788.

⁴ *Journals*, vol. XXXII, p. 131n.

⁵ See June 18, 1788.

of British Vessels, eight of which (being valuable Prizes) were carried into a Port of France and taken possession of by M^r Thomas Morris one of the Commercial Agents for the United States in that Kingdom.

That he hath never received any proportion of the Prize Money arising from the Sale of those Vessels, and is therefore after many Years expectation of it compelled, in behalf of himself and Officers, to apply to the United States for redress in the premises.

On the above Memorial the Board beg leave to Report, That the following Minute ¹ appears on the Journals of Congress of the 4th Sep^r 1778 vz^t

“Congress being informed that the Books and Papers of Thomas Morris late commercial agent of the United States in France, are deposited with the Commissioners at the Court of France, or some of them; and the Hon[’]ble Robert Morris Esq^r surviving Partner and Administrator of the deceased applying to this House, to cause the same to be delivered to him, so that he may proceed to a Settlement of the Estate &c.”

“*Ordered*, That the Commissioners or Commissioner, who shall be possessed of the said Books and Papers when this Order arrives, deliver the same both *public* and private to the said Robert Morris, or to his Order.”

That the said Books and Papers were accordingly in the Month of Jan^y 1779; delivered to M^r John Ross agreeably to the Orders of M^r Robert Morris.

That no settlement has been made by the Administrator of M^r Thomas Morris of the public accounts of the deceased with the United States, for although certain Statements appear to have been made of the Accounts of Penet, Plearne &c. and Penet Da Costa, Freres and C^o; in which some of the transactions of M^r Thomas Morris, on account of the United States appear to be included; yet the said Accounts, are no more in fact, than the Accounts of M^r Thomas Morris with those Houses; and not a statement of that Gentleman’s Accounts with the United States.

In the Accounts above stated, Credit appears to be given for no more than two of the Prizes in which the Memorialist declares the Officers and Crew of the Vessel under his Command to be interested; and Captain Weeks stands charged with considerable Sums of Money said to have been advanced to him; but there being no

¹ Journals, vol. XII, p. 879.

Vouchers in the Treasury in support of the Accounts abovementioned it is not possible to ascertain what part of those advances (if properly charged) were for Disbursements, and what on Account of Prizes.

Of course it is not practicable to make any Estimate of the Captors proportion even of those Prizes, which appear to be included in the said Accounts.

The Board are therefore of opinion, that an adjustment should without delay, be made of the Public Accounts of M^r Thomas Morris, with the United States, in order that justice may be done to such Captors, whose Shares of Prize Money may have been received by him, or by persons acting under his directions, in pursuance of any instructions for such purpose given by Congress, or by the late Commercial or Marine Committees; and for this purpose they submit to the consideration of Congress the following Resolve.

That M^r Robert Morris Surviving Partner and administrator of the late Thomas Morris, one of the Commercial Agents for the United States in the Kingdom of France be required to transmit to the Treasury, all the Accounts and Vouchers relative to the public transactions of the deceased, in order that an adjustment may be made of the same with the Administrator, agreeably to the intention of the Act of Congress of the 4th Sept^r 1778.

All which is humbly Submitted.

June 25th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letter of Board of Treasury transmitting loan contract ¹]

BOARD OF TREASURY

June 25th 1788.

SIR: We have the honor of transmitting to your Excellency for the consideration of Congress an attested notarial Copy,² of the last Loan opened in Holland by the Hon^{ble} M^r Adams for one Million of Guilders.

¹ *Papers of the Continental Congress*, No. 140, II, p. 535, read June 25, 1788.

² *Papers of the Continental Congress*, No. 145, pp. 297-309, translation from the Dutch, dated March 13, 1788. The entry in the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 35, states that the contract was received June 27, 1788. See July 2, 1788.

Should the United States in Congress think it adviseable to confirm this Loan; (which appears to be on the same principles with the Million Loan preceeding it) we beg leave to submit it to their consideration, whether it would not be adviseable to transmit the ratification of it as soon as possible; that no time may be lost in the commencement of its operations. We have the honor to be, etc.,

SAMUEL OSGOOD

WALTER LIVINGSTON ¹

His Excellency

THE PRESIDENT OF CONGRESS

THURSDAY, JUNE 26, 1788.

Congress assembled present as yesterday.²

FRIDAY, JUNE 27, 1788

Congress assembled present New hampshire, Massachusetts Rhode island, New York, New Jersey, Pensylvania Virginia North Carolina South Carolina and Georgia and from Connecticut Mr [Pierpont] Edwards and from Maryland Mr [Benjamin] Contee.

The com.^o consisting of Mr [Abraham] Baldwin Mr [Nicholas] Gilman Mr [Nathan] Dane Mr [William] Bingham

¹ JUNE 25, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 196, the following committee was appointed:

Mr. Hugh Williamson, Mr. Samuel Allyne Otis and Mr. Abraham Baldwin, on a memorial of George Morgan, as agent for the New Jersey Land Society, dated and read June 25, 1788, respecting a modification of the land contract. *Papers of the Continental Congress*, No. 41, VI, pp. 510-512. An additional statement of Morgan is on pp. 514-515. The committee reported July 1, 1788. See July 15, 30, August 11, 12, 15 and 28, 1788.

² JUNE 26, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 196, the following committee was appointed:

Mr. Hugh Williamson, Mr. Nathan Dane, Mr. Abraham Clark, Mr. Thomas Tudor Tucker and Mr. Abraham Baldwin on the report of committee on the memorial of B. Tardiveau, in behalf of the French and Canadian settlers on the Wabash and in Illinois, which was read May 5, 1788. *Papers of the Continental Congress*, No. 19, VI, p. 7, broadside. This was the same committee as that appointed June 24 on preparation of instructions to the Governor of the Western territory. See March 27, July 7 and August 29, 1788.

and Mr [Pierpont] Edwards to whom was referred a letter ¹ of 15 Nov^r 1787 from the governor of Georgia together with a paper accompanying the same having reported ² "That Congress enter into the following resolve That should the Superintendant and commissioners appointed for holding treaties with the Indians in the southern department not be able to bring the Indians to explain the cause of their present hostilities and to enter into a treaty with the United States upon reasonable terms Congress will take measures for the protection of that frontier of the United States." This report being under consideration a motion ³ was made by the delegates of Georgia to postpone the said report in Order to take up the following viz

"Whereas it is represented to Congress by the delegates of the state of Georgia that the principal parts of the frontiers of that state have been for several years past invaded and kept in a state of alarm by the Creek Indians, that the fighting men of that Nation supposed to amount to not less than six thousand have been so far instigated by refugees and fugitive traders who had formerly escaped from these states and taken refuge among them as to keep up constant and bloody incursions on the different parts of that frontier and that the settlements of four of the exterior counties are almost entirely broken up; And whereas measures have been repeatedly taken by Congress to find out if there be any cause of uneasiness and hostility towards the citizens of these United States and effectually to remove the same, but such measures have always been rejected by the Creek Nation and they have refused to hold any treaty with the agents of the United States, resolved that the Superintendant and

¹ See January 22, 1788.

² See June 4 and 20, 1788.

³ *Papers of the Continental Congress*, No. 20, II, pp. 459-460, in the writing of Mr. Abraham Baldwin. The original motion was corrected to bring the reading into conformity with the resolve adopted on July 15, 1788.

Commissioners for the Southern department be instructed to notify to the said Indians that should they persist in refusing to enter into a treaty with the United States upon reasonable terms, the arms of the United States shall be called forth for the protection of that frontier; Resolved That the Secretary at war report to Congress what detachments of militia and supplies for the same will be necessary for the purposes specified in the preceding resolve and a plan of carrying the same into effect as nearly as may be in conformity to the resolution of the 21 July last for the protection of the frontiers of Pennsylvania and Virginia."

And on the question to postpone for the purpose above mentioned the yeas and nays being required by M^r [Abraham] Baldwin

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	no	}no
M ^r Otis	no	

Rhode Island

M ^r Arnold	no	}d ^d
M ^r Hazard	ay	

New York

M ^r L'Hommedieu	no	}no
M ^r Yates	no	

New Jersey

M ^r Clarke	no	}d ^d
M ^r Dayton	ay	

Pensylvania

M ^r Bingham	ay	}ay
M ^r Reid	ay	

Maryland

M ^r Contee	ay	*
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Virginia

M ^r Griffin	ay	}ay
M ^r Carrington	ay	
M ^r Brown	ay	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Huger	ay	}ay
M ^r Tucker	ay	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So the question was lost.

[Report of committee on memorial of J. Wilson ¹]

The Committee Consisting of [Mr. William Irvine, Mr. Abraham Clark, Mr. Nathan Dane, Mr. Stephen Mix Mitchell and Mr. Edward Carrington] to whom was referred the Memorial of James Wilson Esq^r on behalf of sundry persons calling themselves the United Land Companies of the Illinois and Wabash, report

That the Memorial represents that on the 5th day of July 1773, the Chiefs and Sachems of the Illinois Nations by their Deed, granted to the several persons therein named, and who are since known by the name of the Illinois Company, two Several Tracts of Land therein bounded and described, on the East side of the Mississippi and in the Country of the Illinois. And that on the 18th day of October 1775, the Chiefs and Sachems of the several tribes of the Piankashaw Indians by their Deed duly executed, granted to the persons therein named, and who are since known by the name of the Wabash Company two other several tracts of Land therein bounded and described situate on both sides of the river Wabash.

The said Memorialist further represents that if the said purchases upon a full enquiry shall appear to have been fairly made with the Indians and Valuable Considerations paid, the same will prevent the necessity and expence of a second purchase of the same Lands by the United States, in which Case the companys wish not to retain the whole of the said purchased Tract, but think themselves entitled to at least a part thereof as a Compensation for the money they have expended, the pains they have taken, and the time they have employed in this business.

From which Statement your Committee beg leave to remark, that altho the purchases above mentioned ~~may~~ do not Appear to have been made at a general treaty with the Indians, or under legal Authority with all the formalities customary to give validity to such a transaction; and however improper it may be in general to countenance private purchases from the Indians, yet, considering all Circumstances attending the purchases in question, in Case the same upon full investigation shall Appear to have been fairly conducted, and that on Account thereof the United States will be ultimately benefited

¹ *Papers of the Continental Congress*, No. 19, VI, pp. 573-575, in the writing of Mr. Abraham Clark. Read June 27 and postponed on July 1, 1788. The report is endorsed "See memorials W^m Trent and associates, papers etc, filed in Iron chest, relating to Vandalia and Illinois companies." See May 5, 1788.

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by an exemption from the expence of purchasing the same Lands, your Committee are of Opinion a reasonable Compensation in Land should be made to the said Companies.

In Order therefore that Congress may obtain the information necessary to render justice in the premises, the following Resolution is Submitted,

That the Governor of the Western territory with the Superintendent of Indian affairs be directed to receive such information and documents, as the persons stiling themselves the United Land Companies of the Illinois and Wabash, shall think proper to furnish them with, respecting the Purchases by them Alledged to have been made of the Indians on the Rivers Mississippi and Wabash in the years 1773 and 1775, and at the Ensuing treaty to be held with the Indians make due enquiry into ~~the fairness and validity of~~ the same, and avail themselves thereof at said treaty so far as may be consistent with the Justice and Dignity of the United States, and report to Congress a full State of their enquiry, and of their proceedings in Consequence thereof.

[Report of committee on report of Board of Treasury on memorial of S. Nicholson ¹]

Committee consisting of [Mr. Nathan Dane, Mr. Abraham Baldwin, Mr. Paine Wingate, Mr. Pierpont Edwards and Mr. Hugh Williamson] to whom was referred the report of the board of Treasury on the Memorials of Samuel Nicholson Esq^r report

That by the papers referred to them it appears that in the year 1777 a number of British vessels were captured by three American Armed vessels in company the Dolphin commanded by the Memorialist the Reprisal commanded by Captain Weeks and the Lexington commanded by Captain Johnson. That the said papers also State that eight of those British vessels (being valuable prizes) were carried into a port of France, and taken possession of by M^r Thomas Morris one of the Commercial agents for the United States in that Kingdom. That the said prizes were sent to the said Agent ~~in pursuance of the orders and directions of Congress or of their Committees~~ and that the Officers and Crews of the three American vessels beforenamed are, as captors, entitled to a part of the said prizes.

¹ *Papers of the Continental Congress*, No. 19, IV, pp. 517-519, in the writing of Mr. Nathan Dane. Read June 27 and passed July 2, 1788. See June 25, 1788. See also July 17, 1788.

It further appears that on the 4th of September 1778, Congress ordered¹ the books and papers of the said Thomas Morris to be delivered to Robert Morris surviving partner and administrator of the said Thomas, which in January 1779 were delivered accordingly, but it does not appear that any settlement has been made by the administrator of Thomas Morris of the public accounts of the deceased with the United States.

On the subject referred to them the Committee observe that as the United States directed ~~into~~ that ~~what~~ ~~ports~~ the prizes in question should be sent into certain ports, and be delivered to their agent, the captors appear to have a well founded claim upon them for their aid and assistance; so that the said officers and Crews ~~interested in these prizes~~ may without further delay avail themselves of their respective Shares in those prizes which came into the possession of the said Agent, but as it does not fully appear what number of the prizes captured by the said American vessels came into his hands, or that there is any considerable probability that any papers can be obtained for ascertaining this fact, or for ascertaining the value of the prizes he received, the Committee are of Opinion that the United States ought to make a settlement with the captors on such evidence as the nature of the case now demands and to take measures for an immediate settlement of their Accounts with the Administrator of the said Agent; whereupon they submit the following resolutions

Resolved that the board of Treasury be, and they are hereby, authorised and directed, on such evidence, considering all the circumstances of the Case, as they may deem satisfactory, to ascertain the number and value of the prizes ~~that~~

Agreed

which were captured in the year 1777 by the Ship Reprisal commanded by Captain Weeks, the Sloop Dolphin commanded by Captain Sam^l Nicholson, and the brig Lexington commanded by Captain Johnson, and which were delivered, ~~in pursuance of the orders of Congress,~~ into the possession of Thomas Morris, one of the Commercial agents in France for the United States. And that the Commissioner of accounts in the marine department according to such estimate as shall be made by the said board be, and he is hereby authorised and directed, to ascertain the amount of the respective shares in the prizes included in such estimate, to which the Officers and Crews

¹ *Journals*, vol. XII, p. 879.

of the said Ship, Sloop and brigg may severally be entitled, and settle accounts between them and the United States accordingly.

Resolved that M^r Robert Morris surviving partner and administrator of the late Thomas Morris, one of the Commercial agents for the United States in the Kingdom of France be required to transmit to the Treasury, all the accounts and vouchers relative to the public transactions of the deceased, in order that an adjustment may be made of the same with the administrator agreeably to the intention of the Act¹ of Congress of the 4th of Sept^r 1778.²

Agreed

TUESDAY, JULY 1, 1788.

Congress assembled present New hampshire, Massachusetts, Connecticut New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia and from Maryland M^r [Benjamin] Contee from North Carolina M^r [Hugh] Williamson.

M^r Benj.[amin] Huntington a delegate from Connecticut and M^r Jonathan Elmer from New Jersey attended and took their his seats.³

[Report of committee on mail contracts⁴]

The Committee [consisting of Mr. Abraham Baldwin, Mr. Nathan Dane, Mr. Jonathan Dayton, Mr. Dyre Kearny and Mr. Nicholas Gilman] submit the following resolves

¹ *Journals*, vol. XII, p. 879.

² JUNE 27, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 197, the following committee was appointed:

Mr. James R. Reid, Mr. Samuel Allyne Otis, Mr. Pierpont Edwards, Mr. Hugh Williamson and Mr. Abraham Clark on the report of the committee of June 12, 1788, on the memorial of Uday Hay, read June 16, 1788. Report rendered July 1 and acted on July 22, 1788.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 35, was received:

Act of North Carolina relative to the definitive treaty with England, passed April 13, 1787.

³ For credentials of Mr. Huntington, see January 21, 1788.

⁴ *Papers of the Continental Congress*, No. 61, pp. 571-572, in the writing of Mr. Abraham Baldwin. Read July 1 and passed July 3, 1788. See June 6, 1788.

That the Postmaster general be and he hereby is authorized and instructed ~~with the consent of the Com^{tee} hereinafter mentioned~~ to enter into contracts with sufficient security, for the conveyance of the mails for one year commencing on the 1st day of Jan^y next, from Portland in Massachusetts to the state of Georgia, by stage carriages or horses, as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages, to encourage that useful institution, when it can be done without material injury to the public; and that the mail be conveyed three times each week from the 1st of May to the 1st of Nov^r and twice a week from the 1st of Nov^r to the 1st of May, from Portland in Massachusetts to Suffolk in Virginia and from Suffolk to the state of Georgia, agreeably to the resolution of the 15th Oct^r 1787; the same to be done by four or more separate contracts.

In case of only four contracts, the first shall extend from Portland to New York; the second from New York to Philadelphia; the third from Philadelphia to Suffolk in Virginia; and the fourth from Suffolk to the state of Georgia, by such route as the Postmaster general may find most convenient and proper.

Resolved That the Postmaster general be and he hereby is authorized and instructed to make arrangements for the transportation of the mail for one year from the 1st day of Jan^y next, on the cross roads mentioned in the resolves of congress passed the 4th Sep^r 1786 and the 27th of July 1787, on the principles provided in the resolution of the 15th Feb^y 1787.

Resolved That the Postmaster general be and he hereby is directed to employ posts for the regular transportation of the mail, for one year, from the 1st Jan^y next, between the city of Philadelphia and the town of Pittsburgh in the state of Pennsylvania; by the route of Lancaster, Yorktown Carlisle, Chamberstown and Bedford, and between Portland and Pownalborough in the state of Massachusetts and that the mail be dispatched once in each fortnight from the post offices respectively.

Resolved That the stated Committee of the Post Office, appointed in pursuance of the resolution of the 17th June 1782, be instructed to superintend the execution of the preceeding resolves, and to report specially thereon to congress.

[Report of committee on memorial of G. Morgan ¹]

The Committee consisting of [Mr. Hugh Williamson, Mr. Samuel Allyne Otis and Mr. Abraham Baldwin] to whom was referred a Memorial of M^r George Morgan beg leave to report

That it appears to your Committee that the Memorialist Geo. Morgan is duely authorised by a considerable Company viz by William Newbold, John Cox Clayton Newbold, Jos Newbold, Joseph Bloomfield, Joel Gibbs, Dan^l Vardon Ju^r, Isaac Smith Sam^l W. Stockton, David Brearley, Aaron Dunham R^d Stockton, Fred. Frelinghuysen, Henry Vandike, Everit Van Wickle, William Edgar, Aaron Burr, Alex Macomb Moore Furman, Henry Vandike and Ol^r Pollock to contract with Congress for two Million of Acres of Land on the Mississippi.

That the Memorialist is willing immediately to contract for the Tract of Land described in the Act of 20th June Ult. at the Price and with the Exceptions and Reservations therein mentioned provided Congress shall agree that the first Payment of 150,000 Dlsr be made on the first day of March next, ~~and~~ the remainder of the Purchase Money to be paid according to the Terms of the Act. Provided also that Congress shall agree that the Company shall have the Right of Entry on the ~~said~~ Lands thus to be purchased as soon as the first Payment shall be made or after that Period as soon as the Indian claim, if any such claim Exists, shall have been extinguished, the Company above named together with the Memorialist being held as Security for the ~~due Payment of the Purchase~~ faithful Discharge of the Contract. On which your Committee are of the Opinion that the Board of Treasury should be authorised to contract with M^r Geo Morgan in behalf of himself and Associates according to the Terms mentioned.

The Committee farther observe that the memorialist is desirous to extend his Purchase as far North as the Mouth of the River au Beuf, on which they beg leave to report That in Case Mess^{rs} Flint and Parker shall not be ready to Enter into a Contract for a Tract of Land on the Mouth of the Illinois River according to the Act ² of 22nd Oct^r 1787, The Board of Treasury be authorised instead of

¹ *Papers of the Continental Congress*, No. 19, IV, pp. 163-164, in the writing of Mr. Hugh Williamson. Read July 1 and recommitted July 15, 1788. See June 25, July 30, August 11, 12, 15 and 28, 1788.

² *Journals*, vol. XXXIII, pp. 697-698.

the Bounds described in the Act of 20th June U^l to Contract with Geo Morgan in behalf of himself and his Associates for the Sale of a Tract of Land within the following Boundary viz Beginning on the River au Vase in the parallel of Latitude that passes through the Mouth of the little Wabash River thence North to the parallel of the Mouth of the River au Beuf thence West to the River Mississippi opposite to the Mouth of the River au Beuf, thence down the River Mississippi to the Mouth of the River au Vase thence up the River au Vase to the Place of Beginning.

[Report of committee on memorial of U. Hay ¹]

The Committee [consisting of Mr. James R. Reid, Mr. Samuel Allyn Otis, Mr. Pierpont Edwards, Mr. Hugh Williamson and Mr. Abraham Clark] to whom was referred the memorial of Udney Hay beg leave to report

That on examining the memorial and other papers accompanying the same, they find that Congress by their resolution² of the 10th of May 1781 did refer the claims of the memorialist to a board of Officers to be considered and determined upon.

That the said claims agreeably to said Resolution were considered and determined upon by a board of Nine General Officers who reported, that Udney Hay Esq^r ought to enjoy "the rank and emoluments of a retiring Lieut Colonel, and as the said determination was posterior to the resolution³ of Congress of the 3^d of October 1780, your Committee are of opinion that Udney Hay ought to have the emoluments of a retiring Lieut Colonel under said resolution.⁴

WEDNESDAY, JULY 2, 1788.

Congress assembled present New hamshire Massachusetts Rhode island Connecticut New York New Jersey,

¹ *Papers of the Continental Congress*, No. 19, III, p. 137, in the writing of Mr. James R. Reid. Read July 1 and passed July 22, 1788. See June 12, 16 and 27, 1788. According to indorsement on this report a report of the Secretary of War on the case of Hay was read August 23, 1785. See *Journals*, vol. XXIX, pp. 652-653.

² *Journals*, vol. XX, pp. 491-492.

³ *Journals*, vol. XVIII, pp. 893-897.

⁴ JULY 1, 1788. According to indorsement the report of committee on the memorial of James Wilson was postponed. See June 27, 1788.

Pennsylvania Virginia North Carolina South Carolina and Georgia and from Maryland Mr [Benjamin] Contee.

The Com^{es} consisting of Mr [Nathan] Dane, Mr [Abraham] Clarke Mr [Abraham] Baldwin Mr [Hugh] Williamson and Mr [Pierpont] Edwards to whom was referred the Supplement to an ordinance entitled an Ordinance for ascertaining the mode of disposing of lands in the Western territory, reported another draught which was read a first time.

[Report of committee on supplement to the land ordinance ¹]

A Supplement to an ordinance entitled an ordinance for ascertaining the mode of disposing of lands in the Western Territory.

Whereas it is found to be inconvenient to execute that part of the land ordinance ² passed May 20th 1785 which directs that certain proportions of lands be allotted to the several States, to be sold by the loan officers in each State; and whereas a sufficient quantity of lands for satisfying the bounties due to the late army was ~~appropriated~~ set apart by the Act ³ of Congress passed the 22^d of October last, whereby further draughts for satisfying military bounties in lands from the townships lately surveyed, are become unnecessary

Be it ordained by the United States in Congress Assembled, that so much of the said ordinance passed May the 20th 1785, as ordains, that certain parts of the townships therein directed to be surveyed, shall be drawn for in the name of the thirteen States respectively according to the quotas in the last preceeding requisitions in all the states, in order that the same be sold by the said loan officers; and also that the Secretary at war shall take by lot from the townships when surveyed, certain proportions of land for the use of the late Army, so far as the same may respect future draughts, be, and the same are hereby repealed.

Be it further ordained, that the board of Treasury be, and they hereby are authorised and directed to sell those parts of the seven

¹ *Papers of the Continental Congress*, Miscellany, in the writing of Mr. Nathan Dane and John Fisher. Read July 2, 1788. Printed copies of this report, used for the second reading, are in *Papers of the Continental Congress*, Broad-sides. The portions underlined by the editor were struck out from or amended in the original report during debate. See March 19, June 19, July 7 and 9, 1788.

² *Journals*, vol. XXVIII, pp. 375-381.

³ *Journals*, vol. XXXIII, pp. 695-696.

ranges of townships surveyed in the Western Territory, which are not already sold or drawn for the use of the late Army, in the same manner, on the same conditions, and under the same restrictions and limitations as were prescribed in the resolutions ¹ of Congress of April 21st 1787 except as to the place of sale and the daily continuance thereof, which may be so far varied, that the said board may commence the sales at New York or Philadelphia, and adjourn the same from time to time to any part or parts of the United States, which they may judge most proper for the purpose.

Be it further ordained that the secretary at war issue warrants for bounties of land to the several officers and soldiers of the late Continental Army, who may be entitled to such bounties, or to their respective assigns or legal representatives, certifying therein the rank or station of each officer, and the line, regiment, corps and company in which the officer or soldier ~~had~~ served.

Be it further ordained that the Geographer by warrant under his hand and seal, appoint one surveyor to each of the two tracts or districts of land set apart for satisfying the said bounties, by the Act of Congress of the 22th of October last, and that the persons entitled to lands by virtue of warrants issued as aforesaid shall be at liberty to locate them on any part of the two tracts of land set apart as aforesaid, provided that each location and survey shall be bounded on one side by one of the external boundarys of one of the tracts aforesaid or by some prior survey therein, and the external lines of each survey shall run East and West, North and South, except where the same may bind upon a river, and the several surveys shall be in squares, unless where restrained by rivers, or by the lines of former surveys.

And in all Cases where a survey shall be bounded by a navigable river on any one side, or a navigable river shall pass through the same it shall extend twice as far back from or across such river as upon it, and no interstices shall be left between surveys less than a mile wide, and all the lands to which any person may be entitled shall be laid off to him in one entire survey.

Be it further ordained that each surveyor upon making any survey shall protract and lay the same down on a general map to be kept and preserved, and shall number the surveys in each of the said tracts, in the order in which they shall be made, which shall be in the order the warrants shall be presented and shall make a record of each survey

¹ *Journals*, vol. XXXII, p. 226.

in a book to be kept for that purpose, and make out and deliver a copy of the survey certified under his hand, to the proprietor or proprietors thereof, and the surveyor shall retain ¹ in his hands all warrants by him laid out and located until he can transmit the same to the Board of Treasury, which he shall do within one year after laying out the land, certifying thereon under his hand that the same is satisfied. That the Surveyors to be appointed as herein before directed, shall be entitled to receive for the services enjoined them by this Ordinance so much only as shall be allowed and fixed by the Governor and Judges of the Western Territory and shall be liable to be displaced by the Geographer for Neglect of duty or other misbehaviour; in which case he shall supply any Vacancy so happening by a New appointment.

That each Surveyor who may be appointed under this Ordinance before he enters upon the duties of his Office shall take an Oath or affirmation, that he will justly and truly execute the trust reposed in him as Surveyor of a district of land in the Western Territory according to the best of his skill and understanding without favor or partiality. Which Oath or Affirmation shall be taken before the Governor or either of the Judges of the Western Territory or one of the Justices of the Supreme Court in either of the United States, and being duly attested shall be transmitted to the Secretary of Congress to be by him filed of record.

That the Maps and Records before mentioned, shall at all times be subject to the Orders of Congress, to be removed or deposited wherever they shall direct.

That if any Officer or Soldier, or Assignee or Grantee of either shall desire to have their bounty of land allotted in the Townships or fractional parts thereof, lately drawn for the Army by the Secretary at War out of the first four ranges of Townships Surveyed, west of the Ohio, and shall cause such his desire in writing, together with his land warrant to be deposited in the Office of the Secretary at War, the said Secretary, whenever warrants sufficient to cover the land so drawn shall be deposited in his Office for that purpose, shall cause the land to be divided among such applicants by lot, according to their respective rights, for which Surveys shall be made out and delivered to the several proprietors signed by the Geographer of the

¹ John Fisher takes up the copy.

United States, which Surveys shall be recorded in a book by the Geographer and lodged in the Treasury Office.

And whereas lands are set apart for satisfying Military bounties not only in the said districts and Townships, but also within the limits of purchases made by Several Companies

Be it further Ordained that each Officer or Soldier his Assignee or grantee when he shall receive his land warrant from the said secretary shall determine in what district or purchase to take his lands which shall be expressed on the warrant accordingly and the persons who have purchased tracts of the federal lands shall have credit for so much land as the warrants issued as aforesaid and delivered by them to the Board of Treasury cover, provided that in no case deductions on Account of Military bounties shall exceed one Seventh part of the purchase.

Whereas Congress on the 13th day of September 1783 fixed the Terms and Conditions ¹ upon which they would Accept a cession of Claims to western Territory from the State of Virginia; and Whereas the Said State on the 20th day of October 1783 agreed to the same terms and Conditions, and by her Act ² authorised her delegates in Congress to convey, transfer and assign to the United States the right, title and claim of the said State to the lands within her Charter, and Northwest of the River Ohio, on the said terms and Conditions proposed by Congress, and the said Delegates made a Conveyance accordingly, on the said Conditions among which Conditions is the following, to wit, "That in case the quantity of good lands on the South-east side of the Ohio upon the waters of Cumberland river and between the Green river and Tennessee river which have been reserved by law to the Virginia troops upon Continental establishment should from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands to be laid off between the Rivers Scioto and little Miami on the North-west side of the River Ohio in such proportions as have been engaged to them by the laws of Virginia." And whereas the said deficiency of lands on the south-east side of the Ohio has not in any manner been ascertained to Congress, nor has it been alledged by the said State or troops that there is any deficiency of such lands on the

¹ *Journals*, vol. XXV, pp. 559-564.

² *Papers of the Continental Congress*, No. 75, pp. 388-391, attested copy.

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¹ *Journals*, vol. XXV, pp. 559-564.

² *Papers of the Continental Congress*, No. 75, pp. 388-391, attested copy.

said South-East side of the Ohio, either from the bearing in of the said North Carolina line further than was expected, or from any other cause, which deficiency ought to be shewn previously to lands being laid off for the said troops between the said Rivers Scioto and Miami.

Be it further Ordained that no part of the said tract of land between the Rivers little Miami and Scioto shall be disposed of by the United States within the term of two years from the passing of this Ordinance, in order that Sufficient time may be given to the State of Virginia or those entitled to bounties under the said State to ascertain the quantity of land on the Northwest side of the Ohio, requisite to make good the deficiency mentioned in the deed of Cession.

Ordered ¹ That it be read a second time on Monday next.

The State of New hampshire having ratified the constitution transmitted to them by the Act of the 28 of Sept^r last and transmitted to Congress their ratification ² and the same being read, the president reminded Congress that this was the ninth ratification transmitted and laid before them, whereupon

On Motion ³ of M^r [Abraham] Clarke seconded by M^r [Pierpont] Edwards

Ordered That the ratifications of the constitution of the United States transmitted to Congress be referred to a com^{ee} ⁴ to examine the same and report an Act to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention.

¹ This order was indorsed on the report by Charles Thomson.

² Department of State. See *Documentary History of the Constitution*, vol. 2, pp. 141-144.

³ *Papers of the Continental Congress*, No. 23, p. 331, in the writing of Mr. Nathan Dane.

⁴ According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 197, the committee consisted of Mr. Edward Carrington, Mr. Pierpont Edwards, Mr. Abraham Baldwin, Mr. Samuel Allyne Otis and Mr. Thomas Tudor Tucker. It reported July 8, 1788. See July 9, 14, 28 and September 13, 1788.

On the question to agree to this Order the yeas and nays being required by M^r [Abraham] Yates

<i>New hampshire</i>				<i>Pensylvania</i>		
M ^r Gilman	ay	}ay		M ^r Bingham	ay	}ay
M ^r Wingate	ay			M ^r Reid	ay	
<i>Massachusetts</i>				<i>Maryland</i>		
M ^r Dane	ay	}ay		M ^r Contee	ay	*
M ^r Otis	ay			<i>Virginia</i>		
<i>Rhode island</i>				M ^r Griffin	ay	}ay
M ^r Arnold	}excused			M ^r Carrington	ay	
M ^r Hazard				M ^r Brown	ay	
<i>Connecticut</i>				<i>South Carolina</i>		
M ^r Huntington	ay	}ay		M ^r Huger	ay	}ay
M ^r Edwards	ay			M ^r Parker	ay	
<i>New York</i>				M ^r Tucker	ay	
M ^r L'Hommedieu	ay	}d		<i>Georgia</i>		
M ^r Yates	no			M ^r Few	ay	}ay
<i>New Jersey</i>				M ^r Baldwin	ay	
M ^r Clarke	ay	}ay				
M ^r Elmer	ay					
M ^r Dayton	ay					

So it passed in the affirmative.

A motion¹ being made by M^r [Nathan] Dane seconded by M^r [Daniel] Huger

That the contract² made by John Adams esq^r minister plenipotentiary in behalf of the United States of America on the 13th of March 1788 for the loan of one Million of gilders be ratified.

¹ *Papers of the Continental Congress*, No. 29, p. 345, in the writing of Mr. Nathan Dane. This is identical with the resolves entered below down to and including the word "conveyances". The motion was indorsed by Roger Alden as passed July 3, 1788.

² See June 25, 1788. See also May 28 and June 3, 1788.

And on the question to agree to this the yeas and nays being required by M^r [Abraham] Yates

New hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	ay	}ay
M ^r Otis	ay	

Connecticut

M ^r Huntington	ay	}ay
M ^r Edwards	ay	

New York

M ^r L'Homedieu	ay	}div ⁴
M ^r Yates	no	

New Jersey

M ^r Clarke	ay	}ay
M ^r Elmer	ay	
M ^r Dayton	ay	

Pensylvania

M ^r Bingham	ay	}ay
M ^r Reid	ay	

Maryland

M ^r Contee	ay *
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Virginia

M ^r Griffin	ay	}ay
M ^r Carrington	ay	
M ^r Brown	ay	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Huger	ay	}ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So it was

Resolved That the contract made by John Adams Esq^r minister plenipotentiary in behalf of the United States of America on the thirteenth of March 1788 for the loan of one million of Guilders be and it is hereby ratified.

Resolved That three fair copies¹ of the contract with the ratification in the form of that agreed to on the first of feb^y 1785 mutatis mutandis endorsed on each copy be made out and duly attested and that the Sec^y for the department of foreign affairs transmit the same by several conveyances to M^r T. Jefferson Esq minister plenipotentiary of the United States at the Court of France.

¹ A copy of the translation of the contract with a clause of ratification, in the writing of Henry Remsen, jr., with the seal of the United States, dated July 4, 1788, and signed by Cyrus Griffin, President, and Charles Thomson, Secy., is in *Papers of the Continental Congress*, Miscellany.

On the report ¹ of a com^{ee} consisting of M^r [Nathan] Dane M^r [Abraham] Baldwin M^r [Paine] Wingate M^r [Pierpont] Edwards and M^r [Hugh] Williamson to whom was referred a report ² of the board of treasury on memorials of Samuel Nicholson.

Resolved That the board of treasury be and they are hereby authorised and directed on such evidence considering all the circumstances of the case as they may deem satisfactory to ascertain the number and value of the prizes which were captured in the year 1777 by the ship Reprisal commanded by Capt Weeks the Sloop Dolphin commanded by captain Sam^l Nicholson and the brig Lexington commanded by captain Johnson and which were delivered into the possession of Thomas Morris, one of the commercial agents in France for the United States, and that the commissioner of accounts in the Marine department according to such estimate as shall be made by the said board be and he is hereby authorised and directed to ascertain the amount of the respective shares in the prizes included in such estimate to which the Officers and crews of the said ship, sloop and Brig may severally be entitled and settle accounts between them and the United States accordingly.

Resolved That M^r Robert Morris surviving partner and Administrator of the late Thomas Morris one of the commercial Agents for the United States in the kingdom of France be required to transmit to the board of treasury all the accounts and vouchers relative to the public transactions of the deceased in Order that an adjustment may be made of the same with the administrator agreeably to the intention of the act ³ of Congress of the 4th of Sept^r 1778.

¹ See June 27, 1788.

² See June 25, 1788. See also June 18 and 20, 1788.

³ *Journals*, vol. XII, p. 879.

On motion ¹ of Mr ~~Williamson~~ [Abraham] Clarke seconded by Mr [Jonathan] Dayton

Resolved ² That the sum of twenty thousand dollars in addition to the fourteen thousand dollars already appropriated be appropriated for defraying the expences of the treaties which have been ordered or which may be ordered to be held on the present year with the several Indian tribes in the northern department, and for extinguishing the Indian claims; the whole of the said twenty thousand dollars together with six thousand dollars of the said fourteen thousand dollars to be applied solely to the purpose of extinguishing Indian claims to the lands they have already ceded to the United States by obtaining regular conveyances for the same, and for extending a purchase beyond the limits hitherto fixed by treaty; but that no part of the said sums be applied for any purpose other than those above mentioned.

³ On the report ⁴ of a com^{ee} consisting of Mr [Nathan] Dane Mr [William] Irvine Mr S[tephen] M[ix] Mitchel Mr [Edward] Carrington and Mr [John] Brown to whom was referred a report ⁵ of the Sec^y at War on a letter ⁶ of the 14

¹ *Papers of the Continental Congress*, No. 30, p. 333, in the writing of Mr. Hugh Williamson. The indorsement of Roger Alden ascribes the motion to Mr. Hugh Williamson.

² This resolve was entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 36-37. For committee report see May 20, 1788. See also March 18, 24, May 2 and 15, 1788.

³ The following proceeding on Additional instructions to the Governor of the Western territory is marked with dots on the margin to indicate transfer to the Secret Journal. It was entered by John Fisher in the *Secret Journal Domestic, Papers of the Continental Congress*, No. 3, pp. 238-239 (246-247) and in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 37-38.

⁴ See May 20, 1788.

⁵ See May 2 and 15, 1788.

⁶ See March 18 and 24, 1788.

March from the Gov^r of the Western territory, Congress agreed to the following

Additional instructions to the gov^r of the territory ¹ of the United States north West of the river Ohio, relative to the treaty to be held with the western Indians, in pursuance of the resolutions of Congress passed in October last.

SIR, An additional sum of twenty thousand dollars has been appropriated for the purposes of procuring a permanent peace with the Indian Tribes, with which You are authorised to hold a treaty.² This Sum and 6000 dollars out of the 14,000 heretofore appropriated for holding the said treaty are particularly directed to be applied solely to the purpose of obtaining a boundary advantageous to the United States, between them and the said Indian Tribes; and for further extinguishing by purchase Indian titles in case it can be done on terms beneficial to the Union.

But it is not expected that any further purchases of lands will be made unless on terms evidently advantageous to the United States, or that any part of the said additional sum will be expended but in cases apparently necessary.

In fixing a boundary between the United States and the Indian tribes, instead of the East and West line mentioned in your Instructions, You will endeavour to establish an East and West line as far North as the completion of the forty first degree of north Latitude.³ In y^r negotiations with the Indians you will make immediate payments so far as you shall have monies in hand, but in case you shall find it necessary to engage any considerable part of the s^d additional sum, you are to stipulate that the payments thereof, be made in two or three equal ~~payments~~ annual instalments, the first to be as late in the year 1789 as can be obtained.

¹ Roger Alden takes up the entry.

² Charles Thomson interlined the first part of the following sentence.

³ Charles Thomson resumes the entry.

The Committee¹ to whom was referred the report² from the Com^{ee} of the whole on the address and resolutions from the district of Kentucky being, at their desire, discharged, therupon a motion³ was made by Mr [John] Brown seconded by Mr [Edward] Carrington for the purpose of ratifying and confirming the Compact between the State of Virginia and the said district.

Ordered that the consideration of this motion be ~~postponed~~ ~~till~~ the order of the day for to morrow.⁴

THURSDAY, JULY 3, 1788.

Congress assembled present New hampshire Massachusetts Rhode island New York New Jersey, Pensylvania Virginia North Carolina South Carolina and Georgia and from Connecticut Mr [Benjamin] Huntington and from Maryland Mr [Benjamin] Contee.

The Order of the day being called for, the motion⁵ of Mr [John] Brown was read in the words following

Whereas it appears to Congress that the state of Virginia by two acts of the legislature thereof, one entitled "an Act concerning the erection of the district of Kentucky into an independent State passed at their October session in the year 1785, the other passed at their October session in the year 1786 entitled "An Act making further provision for the erection of the district of Kentucky into an Independent

¹ Appointed June 3, 1788.

² See February 29 and June 2, 1788.

³ *Papers of the Continental Congress*, No. 20, pp. 337-338, debated July 3, 1788.

⁴ JULY 2, 1788. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 35, was received (read) a letter of Samuel Huntington to Charles Thomson, June 24, 1788, acknowledging receipt of sundry letters. *Papers of the Continental Congress*, No. 66, II, p. 390.

⁵ *Papers of the Continental Congress*, No. 20, II, pp. 337-338, in the writing of Mr. John Brown. It is indorsed as debated July 3, 1788. See February 29, March 4, May 30, June 2 and July 2, 1788.

state" hath entered into a solemn compact with that part of the said state called the district of Kentucky permitting the same to be erected into a separate and independent state to be admitted into Union with the United States as a federal member thereof upon certain terms and conditions in the said acts stipulated and it further appearing to Congress that the said district in convention assembled did in conformity to the said acts by certain resolutions ¹ entered into on the 22^d day of Sept 1787 determine that it was expedient that the said district should be erected into an independent state on the terms and conditions specified in said acts and did present to Congress an address praying to be admitted into union with the United States as a federal member and Whereas it appears to Congress to be just and reasonable that the application of the said district of Kentucky should be complied with *Resolved* therefore that the United States in Congress Assembled do ratify and confirm the compact entered into between the state of Virginia and the district of Kentucky agreeably to the acts and resolutions aforesaid and that the said district be admitted into Union with the United States as an independent federal member on the 1st day of January 1789 and be stiled the Commonwealth of Kentucky. *Resolved* that Congress will release the state of Virginia from all federal obligations arising within the said district after the said first day of Jan^r 1789 and from such part of her quota of the continental debt as shall be apportioned to the said district whenever the same shall have been ascertained agreeably to the stipulations of the compact aforesaid. *Resolved* that the said district shall be admitted to a representation in Congress after the said first day of January 1789 provided from an accurate census it shall appear that the said district contains sixty thousand inhabitants."

¹ *Papers of the Continental Congress*, No. 71, p. 587.

A motion ¹ was made by M^r [Nathan] Dane seconded by M^r [Thomas Tudor] Tucker to postpone the consideration of the foregoing motion in order to take up the following

Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the Acts of the said legislature and in the resolutions of the said district relative to the premisses

And whereas Congress having fully considered the subject did on the third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report An Act accordingly which committee on the second instant was discharged, it appearing that nine states had adopted the Constitution of the United States lately submitted to conventions of the people; and whereas a new confederacy is formed among the ratifying States and it is highly probable that the state of Virginia including the said district has already become a member of the said Confederacy. And whereas an Act of Congress in the present state of the government of the country severing a part of the said state from the other parts thereof and admitting it into the Confederacy formed by the Articles of Confederation and perpetual Union as an independent member thereof may be attended with dangerous consequences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly inexpedient for Congress assembled under the said articles of Confederation to adopt any other measures relative to the premisses than those which express

¹ *Papers of the Continental Congress*, No. 20, II, pp. 341-343, in the writing of Mr. Nathan Dane. See February 29, March 4, June 2 and 3, 1788.

their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose. Resolved that a copy of the proceedings of Congress relative to the independency of the district of Kentucky be transmitted to the legislature of Virginia and that the said legislature be informed that as the constitution of the United States is now ratified Congress think it unadvisable to adopt any further measures for admitting the district of Kentucky into the federal Union as an independent member thereof under the articles of Confederation and perpetual Union, but that Congress thinking it expedient that the said district be made a separate state and member of the Union as soon after proceedings shall commence under the said constitution as circumstances shall permit recommend it to the said legislature and to the inhabitants of the said district so to alter their Acts and resolutions relative to the premisses,¹ as to render them conformable to the provisions made in the said constitution to the end that no impediment may be in the way of the speedy accomplishment of this important business.

On the question to postpone for the purpose above mentioned the yeas and nays being required by Mr [John] Brown.

¹ From this point the motion is in the writing of Mr. Thomas Tudor Tucker. This clause was substituted for the concluding clause written by Dane, which reads as follows: "that the said District may remain in peace and harmony a part of the said state, and as a part thereof be represented in the Congress which shall assemble under the said Constitution, until measures can be conveniently adopted for admitting the said District into the Union as an independent member thereof."

New Hampshire

M^r Gilman ay } ay
M^r Wingate ay }

Massachusetts

M^r Dane ay } ay
M^r Otis ay }

Rhode Island

M^r Arnold ay } ay
M^r Hazard ay }

Connecticut

M^r Huntington ay *

New York

M^r L'Hommedieu ay } ay
M^r Yates ay }

New Jersey

M^r Clarke ay }
M^r Elmer ay } ay
M^r Dayton ay }

Pensylvania

M^r Bingham ay } ay
M^r Reid ay }

Maryland

M^r Contee ay *

Virginia

M^r Griffin no }
M^r Carrington no } no
M^r Brown no }

North Carolina

M^r Williamson ay } ay
M^r Swann ay }

South Carolina

M^r Huger ay }
M^r Parker ay } ay
M^r Tucker ay }

Georgia

M^r Few ay } ay
M^r Baldwin ay }

So it passed in the Affirmative and the first Motion being postponed and the second taken into consideration and amended; ~~and~~ on the question to agree to the Motion as amended ¹ the yeas and nays being required by M^r [Abraham] Yates

¹ The amended form of the motion is indicated on the original motion in *Papers of the Continental Congress*, No. 20, II, pp. 341-343.

<i>New Hampshire</i>			<i>Pensylvania</i>		
Mr Gilman	ay	}ay	Mr Bingham	ay	}ay
Mr Wingate	ay		Mr Reid	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
Mr Dane	ay	}ay	Mr Contee	ay	*
Mr Otis	ay		<i>Virginia</i>		
<i>Rhode Island</i>			Mr Griffin	ay	}ay
Mr Arnold	ay	*	Mr Carrington	ay	
<i>Connecticut</i>			<i>North Carolina</i>		
Mr Huntington	ay	*	Mr Williamson	ay	}ay
<i>New York</i>			Mr Swann	ay	
Mr L'Hommedieu	ay	}d ^d	<i>South Carolina</i>		
Mr Yates	no		Mr Huger	ay	}ay
<i>New Jersey</i>			Mr Parker	ay	
Mr Clarke	ay	}ay	Mr Tucker	ay	
Mr Elmer	ay		<i>Georgia</i>		
Mr Dayton	ay		Mr Few	ay	}ay
			Mr Baldwin	ay	

So it passed in the affirmative as follows

Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the acts of the said legislature and in the resolutions of the said district relative to the premisses. And whereas Congress having fully considered the subject did on third day of June last resolve that it is expedient that the said district be erected

into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report an Act accordingly, which committee on the second instant was discharged, it appearing that nine states had adopted the constitution of the United States lately submitted to Conventions of the people. And whereas a new Confederacy is formed among the ratifying States and there is reason to believe that the State of Virginia including the said district did on the 25 of June last become a member of the said Confederacy; And Whereas An Act of Congress, in the present state of the government of the country, severing a part of the said state from the other parts thereof and admitting it into the confederacy formed by the articles of Confederation and perpetual Union as an independent member thereof may be attended with many inconveniences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly improper for Congress assembled under the said Articles of Confederation to adopt any other measures relative to the premisses than those which express their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose.

Resolved That a copy of the proceedings of Congress relative to the independency of the district of Kentucky be transmitted to the legislature of Virginia and also to Samuel M^cDowell esq^r late president of the said Convention, and

that the said Legislature and the inhabitants of the district aforesaid be informed, that as the constitution of the United States is now ratified, Congress think it unadvisable to adopt any further measures for admitting the district of Kentucky into the federal Union as an independent member thereof under the Articles of Confederation and perpetual Union; but that Congress thinking it expedient that the said district be made a separate State and member of the Union as soon after proceedings shall commence under the said constitution as circumstances shall permit, recommend it to the said legislature and to the inhabitants of the said district so to alter their acts and resolutions relative to the premisses as to render them conformable to the provisions made in the said constitution to the End that no impediment may be in the way of the speedy accomplishment of this important business.

On the report ¹ of a com^{ee} consisting of Mr [Abraham] Baldwin Mr [Nathan] Dane Mr [Jonathan] Dayton Mr [Dyre] Kearny and Mr [Nicholas] Gilman

*Resolved,*² That the Post Master General be and he hereby is authorised and instructed to enter into contracts with sufficient security, for the conveyance of the mails for one Year, commencing on the first day of January next, from Portland in Massachusetts to the State of Georgia, by stage carriages or horses, as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages, to encourage that useful institution, when it can be done without material injury to the public; and that the Mail be conveyed three times each week from the first

¹ See July 1, 1788. See also June 6, 1788.

² Roger Alden takes up the entry.

of May to the first of November, and twice a week from the first of Nov^r to the first of May, from Portland in Massachusetts to Suffolk in Virginia, and from Suffolk to the State of Georgia, agreeably to the resolution ¹ of the 15th of October 1787; the same to be done by four or more separate contracts.

In case of only four contracts, the first shall extend from Portland to New York; the second from New York to Philadelphia; the third from Philadelphia to Suffolk in Virginia and the fourth from Suffolk to the State of Georgia by such route as the Post Master General may find most convenient and proper.

Resolved, That the Post Master General be and he hereby is authorised and instructed to make arrangements for the transportation of the mail for one Year from the first day of January next on the cross roads mentioned in the resolves of Congress passed the 4th Sep^r 1786 ² and the 27th of July 1787 ³ on the principles provided in the resolution ⁴ of the 15th Feb^y 1787.

Resolved, That the Post Master General be and he hereby is directed to employ posts for the regular transportation of the mail for one Year from the 1st of Jan^y next between the city of Philadelphia and the town of Pittsburg in the State of Pennsylvania, by the route of Lancaster, Yorktown, Carlisle, Chamberstown and Bedford; And between Portland and Pownalborough in the State of Massachusetts,⁵ and that the mail be dispatched once in each fortnight from the Post Offices respectively.

¹ *Journals*, vol. XXXIII, p. 684.

² *Journals*, vol. XXXI, pp. 629-630.

³ *Journals*, vol. XXXIII, p. 418.

⁴ *Journals*, vol. XXXII, pp. 59-60.

⁵ The clause "and between of Massachusetts" was added to the original report on a motion, which, in the writing of Mr. Nathan Dane, is in *Papers of the Continental Congress*, No. 61, p. 574. It was also written on the report by Roger Alden.

Resolved, That the stated Committee of the Post Office appointed in pursuance of the resolution ¹ of the 17th June 1782 be instructed to superintend the execution of the preceeding resolves, and to report specially thereon to Congress.

² When the foregoing act was under debate a motion was made by the delegates of Georgia to add in the last resolve but one after the word Massachussets, the words "and from Savannah to Augusta in Georgia" and on the question to agree to this addition the yeas and nays being required by Mr [William] Few

<i>New hampshire</i>		<i>Pensylvania</i>	
M ^r Gilman	no	M ^r Bingham	ay
M ^r Wingate	no	M ^r Reid	ay
<i>Massachussets</i>		<i>Maryland</i>	
M ^r Dane	no	M ^r Contee	ay *
M ^r Otis	ay	<i>Virginia</i>	
<i>Rhode island</i>		M ^r Griffin	ay
M ^r Arnold	no	M ^r Carrington	ay
M ^r Hazard	no	<i>North Carolina</i>	
<i>Connecticut</i>		M ^r Williamson	no
M ^r Huntington	no *	M ^r Swann	ay
<i>New York</i>		<i>South Carolina</i>	
M ^r L'Hommedieu	ay	M ^r Huger	ay
M ^r Yates	no	M ^r Tucker	ay
<i>New Jersey</i>		<i>Georgia</i>	
M ^r Elmer	no *	M ^r Few	ay
		M ^r Baldwin	ay

So the question was lost.

MONDAY, JULY 7, 1788.

Congress assembled, present New hampshire, Massachussets Rhode island, New York, New Jersey, Pensylvania Maryland, Virginia, North Carolina, South Carolina and Georgia and from Connecticut M^r [Benjamin] Huntington.

¹ *Journals*, vol. XXII, p. 334.

² Charles Thomson resumes the entry.

According to order The supplement to the Ordinance for ascertaining the mode of disposing of land in the western territory¹ was taken up for a second reading and after debate thereon adjourned.

[Report of committee on instructions to governor of Western territory²]

The committee consisting of M^r [Hugh] Williamson M^r [Nathan] Dane M^r [Abraham] Clarke M^r [Thomas Tudor] Tucker and M^r [Abraham] Baldwin who were appointed to prepare Instructions to the Governor of the Western Territory submit the following,

You are to proceed without delay, except while you are necessarily detained by the Treaty now on Hands, to the French Settlements on the River Mississippi, in Order that you may give Dispatch to the several Measures which are to be taken according to the Act of 20th June last of which a Copy is enclosed for your Information.

You are to enquire whether there be any Indians who claim the Lands on the East Side of the River Mississippi above the Mouth of the Ohio ~~and take Measures immediately for holding a Treaty with such Indians if there~~ and if there be any such Indians, you are immediately to take Measures for extinguishing their Claim at least to so much of the Territory as you see described in the afforesaid Act. If you find it cheapest and best to extinguish the Claim of those Indians by agreeing to furnish them annually with a certain allowance in Corn or other Provision you will contract accordingly.

When you have examined the ~~Claims of the Settlers on the Mississippi~~ Titles and Possessions of the Settlers on the Mississippi in which they are to be confirmed and given Directions for laying out the several Parallelograms, which the Settlers may divide as they ~~may~~ shall think best among themselves by Lot, you are to report the whole of your Proceedings to Congress.

¹ See June 19, July 2, 8 and 9, 1788.

² *Papers of the Continental Congress*, No. 30, pp. 155-156, in the writing of Mr. Hugh Williamson. Read July 7 and passed August 29, 1788. See June 24, 1788. The portions underlined by the editor were either struck out or amended during debate.

After you shall have ~~finished~~ dispatched the several Matters committed to your Care on the Mississippi you will take Post S^t Vincent on your ~~the~~ Return, where you are to pursue the measures directed to be taken by the Act of this day, and report your Proceedings accordingly.

[Report of committee on report of former committee regarding inhabitants of St. Vincents¹]

The Committee consisting of M^r [Hugh] Williamson M^r [Nathan] Dane M^r [Abraham] Clark M^r [Thomas Tudor] Tucker and M^r [Abraham] Baldwin to whom was referred the Report of a former Committee respecting the Inhabitants of Post S^t Vincent beg Leave to report that similar Measures ought to be taken ~~with those Settlers as were for~~ quiet for confirming those Settlers in their Possessions and Titles to those which are to be taken with the Settlers on the Mississippi and that an additional Tract of Land ought to be given to every Head of a Family who does not already possess a sufficient Quantity for his or her Support on which they submit the following Resolves

That Measures be taken for confirming in their Possessions and Titles the French and Canadians Inhabitants and other Settlers at Post S^t Vincent who on or before the Year 1783 had settled there and had professed themselves Citizens of the U S or any of them and for laying off to them at their own Expence the several Tracts which they rightfully Claim and which may have been allotted to them according to the Laws and Usages of the Governments under which they have respectively settled.

That 400 Acres of Land be reserved and given to every Head of a Family of the above Description settled at Post S^t Vincent, provided that no Person shall be considered as entitled to the above such Donation who at present has a rightfull Claim to 500 A^s of Land or upwards within that District.

That the Governor of the Western Territory cause to be laid out at the public Expence in the form of a Square adjoining to the present Improvements at Post S^t Vincent, and in whatever Direction the Settlers shall prefer, a Tract of Land sufficient for completing the above Donations which Tract shall

¹ *Papers of the Continental Congress*, No. 30, pp. 501-502, in the writing of Mr. Hugh Williamson. Read July 7 and passed August 29, 1788. See June 26, 1788. The parts underlined by the editor were struck out during debate.

afterwards be divided by Lot among the Settlers who are entitled to any Part of the same in such manner as they shall agree.

[Letter of Secretary at War on inspection of recruits ¹]

WAR OFFICE *July 3^d 1788.*

SIR: Agreeably to the order of Congress of the 25th ultimo, I have the honor to report to your Excellency that the recruits at present raising in Connecticut, New Jersey, and Pennsylvania will be mustered and inspected previously to their marching, by M^r Stagg who is employed in this Office, and is adequate to the business.

That I conceive the troops on the frontiers may be mustered and inspected by the Majors on oath.

I have the Honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War on affairs in Northwest territory ²]

WAR-OFFICE, *July 7th 1788.*

SIR: I have the honor to transmit to your Excellency, the following papers respecting the disposition of affairs on the Ohio, and to the North West of the same.

N^o 1. A letter from the Governor of the Western territory, dated Westmorland the 23rd ultimo, and enclosing a message from the Wyandots, Ottawas and Chippawas, delivered by Captain Coon, dated Sandusky-rapids April 14th 1788; and a letter from Mess^{rs} Wilson and Rankin of the 15th April 1788.

N^o 2. A letter from the Superintendent of Indian Affairs for the Northern district, dated Fort Pitt June 20th 1788.

N^o 3. Extracts of a letter from Brigadier General Harmar, dated Fort Harmar June 15th containing a report from Lieutenant Arm-

¹ *Papers of the Continental Congress*, No. 150, III, p. 569, read July 7, 1788.

² *Papers of the Continental Congress*, No. 150, III, pp. 527-528, read July 7, 1788. The accompanying document No. 1 is on pp. 531-532, with its enclosures on pp. 555-556 and 559-560; No. 2, on pp. 535-537; and No. 3, on pp. 539-550, with its enclosures on pp. 551-553, and 565-568. See July 15, 1788.

strong dated April 28'th 1788, and another from Lieutenant Spear dated the 2'nd June 1788.

I have the honor to be, etc.,

H KNOX ¹

His Excellency

THE PRESIDENT OF CONGRESS.

¹ JULY 7, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 197, the following committees were appointed to inquire into the several departments and report to Congress in conformity with the resolution of June 17, 1782:

Mr. Abraham Clark, Mr. Nathan Dane, Mr. Edward Carrington, Mr. William Bingham and Mr. Hugh Williamson on the department of Finance. Report rendered September 30, 1788.

Mr. Samuel Allyne Otis, Mr. Ezra L'Homedieu, Mr. James R. Reid, Mr. Thomas Tudor Tucker and Mr. John Brown on the department of Foreign Affairs. Report rendered August 14, 1788.

Mr. John Eager Howard, Mr. William Few, Mr. Jonathan Dayton, Mr. Nicholas Gilman and Mr. Edward Carrington on the War department. Report rendered July 21, 1788.

Mr. Paine Wingate, Mr. John Swann, Mr. Nathan Dane, Mr. James R. Reid and Mr. Peleg Arnold on the Post Office department. Mr. Arnold was replaced by Mr. Dyre Kearny on August 25, 1788. Report rendered August 27 and the committee renewed October 9, 1788. See September 30, 1788.

According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 36, was delivered (read):

Report of committee on Baron von Steuben's letter. See February 1 and June 4, 1788. Report recommitted July 9, 1788. A copy of this report has not been located. See July 25, August 25 and September 11, 1788.

According to indorsement the following were read:

Letter of C. W. F. Dumas to J. Jay, March 15, 1788, No. 37, respecting the return of Mr. Adams. *Papers of the Continental Congress*, No 93, IV, pp. 43-44, in French, with translation on pp. 47-49.

Letter of William Carmichael to J. Jay, April 29, 1788, respecting the Spanish fleet in the Mediterranean, views of Great Britain on the navigation of the Mississippi and complaint that he is not kept informed on affairs. *Papers of the Continental Congress*, No. 88, II, pp. 504-509, with enclosures No. 1, on pp. 512-513, and No. 2, on p. 440.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 35, the following was received (read):

Letter of Samuel Shaw to [J. Jay], December 21, 1787, on the state of European and American trade in China during 1787.

strong dated April 28'th 1788, and another from Lieutenant Spear dated the 2'nd June 1788.

I have the honor to be, etc.,

H KNOX ¹

His Excellency

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According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 35, the following was received (read):

Letter of Samuel Shaw to [J. Jay], December 21, 1787, on the state of European and American trade in China during 1787.

TUESDAY, JULY 8, 1788.

Congress assembled. Present as yesterday.

Congress resumed the Consideration proceeded in the second reading of the supplement to the Ordinance for ascertaining the mode of disposing of lands in the western territory,¹ and the following clause being under debate

And whereas Congress on the 13 day of Sept 1783 fixed the terms and conditions² upon which they would accept a cession of claims to western territory from the state of Virginia and whereas the said state on the 20th day of Oct. 1783 agreed to the same terms and conditions and by her act³ authorised her delegates in Congress to convey transfer and assign to the United States the right, title and claim of the said state to the lands within her charter and northwest of the river Ohio on the said terms and conditions proposed by Congress; And the said delegates made a conveyance accordingly on the said conditions; among which conditions is the following to wit "That in case the quantity of good lands on the south east side of the Ohio, upon the waters of Cumberland river and between the Green river and Tenessee river which have been reserved by law to the Virginia troops upon continental establishment should from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties the deficiency should be made up to the said troops in good lands to be laid off between the rivers Sciota and Little Miami on the north west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia." And whereas the said deficiency of lands on the south east side of the Ohio has not in any manner been ascertained to Congress, nor has it been alledged by the said

¹ See July 7 and 9, 1788.

² *Journals*, vol. XXV, pp. 559-564.

³ *Papers of the Continental Congress*, No. 75, pp. 388-391, attested copy.

state or troops that there is any deficiency of such lands on the said south east side of the Ohio, either from the bearing in of the said North Carolina line further than was expected or from any other cause, which deficiency ought to be shewn previously to lands being laid off for the said troops between the said rivers Scioto and Miami."

A motion was made by M^r [Edward] Carrington seconded by M^r [John] Brown to strike out the words "And whereas the said deficiency of lands on the south east side of the Ohio &c to the words "Sciota and little Miami" inclusive. And on the question shall those words stand the yeas and nays being required by M^r [Nathan] Dane.

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	ay	}ay
M ^r Otis	ay	

Rhode Island

M ^r Arnold	ay	}ay
M ^r Hazard	ay	

Connecticut

M ^r Huntington	ay	*
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New York

M ^r L'Hommedieu	ay	}ay
M ^r Yates	ay	

New Jersey

M ^r Clarke	ay	}ay
M ^r Elmer	ay	
M ^r Dayton	ay	

Pensylvania

M ^r Bingham	ay	}d
M ^r Reid	no	

Maryland

M ^r Howard	no	}no
M ^r Contee	no	

Virginia

M ^r Griffin	no	}no
M ^r Carrington	no	
M ^r Brown	no	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Parker	no	}no
M ^r Tucker	no	

Georgia

M ^r Few	ay	}d
M ^r Baldwin	no	

So the question was lost and the words were struck out.

A motion was then made by M^r [Nathan] Dane second by M^r [Abraham] Clarke in lieu of the words struck out to insert

Be it further ordained that no surveys made or which shall be made by or on account of the said Virginia troops on the north west side of the Ohio between the said rivers Sciota and little Miami before the said deficiency of lands on the South east side of the Ohio shall be ascertained and due notice thereof given shall by Congress be deemed valid.

And on the question to agree to this the yeas and nays being required by M^r [Jonathan] Dayton

<i>New Hampshire</i>		<i>Pensylvania</i>	
M ^r Gilman	ay	M ^r Bingham	ay
M ^r Wingate	ay	M ^r Reid	no
<i>Massachusetts</i>		<i>Maryland</i>	
M ^r Dane	ay	M ^r Howard	no
M ^r Otis	ay	M ^r Contee	no
<i>Rhod Island</i>		<i>Virginia</i>	
M ^r Arnold	ay	M ^r Griffin	no
M ^r Hazard	ay	M ^r Carrington	no
<i>Connecticut</i>		M ^r Brown	no
M ^r Huntington	ay *	<i>North Carolina</i>	
<i>New York</i>		M ^r Williamson	ay
M ^r L'Hommiedieu	ay	M ^r Swann	ay
M ^r Yates	ay	<i>South Carolina</i>	
<i>New Jersey</i>		M ^r Parker	no
M ^r Clarke	ay	M ^r Tucker	no
M ^r Elmer	ay	<i>Georgia</i>	
M ^r Dayton	ay	M ^r Few	ay
		M ^r Baldwin	no

So the question was lost.

[Report of committee on new Constitution ¹]

The Committee consisting of M^r [Edward] Carrington, M^r [Pierpont] Edwards M^r [Abraham] Baldwin M^r [Samuel Allyne] Otis and

¹ *Papers of the Continental Congress*, No. 23, pp. 333-335, in the writing of Mr. Edward Carrington. According to indorsement it was read July 8, and made the order of the day for Thursday (sic), July 9, 1788. The *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 197, and *Reports of Committees*, *Papers of the Continental Congress*, No. 189, p. 36, give July 9 as the date of the report. A broadside of the report, with manuscript changes, is on p. 329. See July 2, 14, 28, 30, August 4-7, 13, 26, September 2, 3, 4, 12 and 13, 1788.

Mr [Thomas Tudor] Tucker, to whom were refered the Ratifications of the new Constitution which have been transmitted to Congress by the several ratifying States, Report as follows,

Resolved, that Whereas the Fœderal convention Assembled in Phil^a pursuant to the Resolution of Congress of the 21st of Feb^y 1787 did on the 17th of Sep^t, in the same year, report to the United States in Congress Assembled, in the words following Viz. "We the People &ca

Whereupon Congress on the 28th of the same September did Resolve Unanimously, that the said Report, with the Resolutions and letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a convention of Delegates chosen in each State, by the People thereof, in conformity to the Resolves of the Convention made and provided in that Case." And Whereas the States of N. Hampshire, Massachusetts, Connecticut, N. Jersey Pennsylvania, Deleware, Maryland, South Carolina and Georgia, have duly Ratified the aforesaid Constitution, as appears by the several ratifications of the said States, returned to Congress, and filed in the Office of the Secretary; and it is expedient that proceedings do commence thereon as early as may be,

Therefore *Resolved*, That the first Wednesday in December next be the day for appointing Electors in the several States which have, or shall, before the said day, have, ratified the said Constitution; That the first Wednesday in January next be the day for the Electors to Assemble in their respective States and Vote for a President, and that the first Wednesday in February next be the time, and the place for Commencing proceedings under the said Constitution.¹

¹ JULY 8, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 197, the following committee was appointed:

Mr. John Brown, Mr. Hugh Williamson, Mr. Nathan Dane, Mr. Abraham Clark and Mr. Abraham Baldwin on the memorial of the French inhabitants of Illinois by their agent, B. Tardiveau, dated and read July 8, 1788, respecting the committee report of July 7, 1788. *Papers of the Continental Congress*, No. 41, X, pp. 275-278. This committee was discharged July 15, 1788. See July 30, August 11, 12, 15, 28 and 29, 1788.

According to indorsement was read:

Letter of Edmund Randolph to the Virginia delegates, June 30, 1788, with intelligence from Colonel Martin. *Papers of the Continental Congress*, No. 71, II, p. 615, with copies of Col. Martin's letter and enclosures on pp. 619-625. See July 9, 18 and September 1, 1788.

WEDNESDAY, JULY 9, 1788.

Congress assembled present as before.

According to the order of the 9th of June the board of treas^r transmitted ¹ to Congress an estimate of the sums necessary for the services of the year 1788 including the interest on the foreign and domestic debt and the amount of the capital of the foreign which will become due in the year 1789.

Ordered that this estimate be referred to a com^{ee} of five.²

Congress proceeded in the second reading of the Supplement to the Ordinance ³ for disposing of lands in the Western territory ⁴ and this clause being under debate "and no interstices shall be left between surveys less than a mile wide" a motion was made by M^r [Nathan] Dane seconded by M^r [Hugh] Williamson to change "a" into "six" so that it read "that no interstices shall be left less than six miles wide". On the question to agree to this Amendment the yeas and nays were required by M^r [Hugh] Williamson

New Hampshire

M ^r Gilman	ay	} ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	ay	} ay
M ^r Otis	ay	

Rhode Island

M ^r Arnold	ay	} ay
M ^r Hazard	ay	

Connecticut

M ^r Huntington	ay	*
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¹ Letter of Board of Treasury to President of Congress, dated July 8, received (read) July 9, 1788. *Papers of the Continental Congress*, No. 141, I, pp. 369-370. Partial estimates are on pp. 364-366 and 373-380.

² According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 198, the committee consisted of Mr. Abraham Clark, Mr. Nathan Dane, Mr. Hugh Williamson, Mr. William Bingham and Mr. Abraham Baldwin. It reported August 4, 1788. Acted on August 20, 1788.

³ See February 22, March 19, 24-27, May 26-29, June 19, July 2, 7 and 8, 1788.

⁴ From this point to and including the sentence "So it passed in the affirmative", after the vote on the clause under debate, the margin of the *Journal* entry is marked with dots and this part of the entry was not published in the Continental Congress edition of the *Journals*.

New York

M ^r L'Hommedieu	no	} d ^a
M ^r Yates	ay	

New Jersey

M ^r Clarke	ay	} ay
M ^r Elmer	ay	
M ^r Dayton	ay	

Pennsylvania

M ^r Bingham	ay	} d ^a
M ^r Reid	no	

Maryland

M ^r Howard	ay	} ay
M ^r Contee	ay	

Virginia

M ^r Griffin	ay	} ay
M ^r Carrington	no	
M ^r Brown	ay	

North Carolina

M ^r Williamson	ay	} ay
M ^r Swan	ay	

South Carolina

M ^r Huger	ay	} ay
M ^r Parker	ay	
M ^r Tucker	no	

Georgia

M ^r Few	ay	} ay
M ^r Baldwin	ay	

So it passed in the Affirmative.

The second reading being gone through

Ordered That it be read a third time.

The supplement ¹ was accordingly read a third time and passed as follows,

² A supplement to an ordinance entitled An Ordinance for ascertaining the mode of disposing of lands in the Western territory.

Whereas it is found to be inconvenient to execute that part of the land Ordinance ³ passed May 20th 1785 which directs that certain proportions of lands be allotted to the several states to be sold by the loan Officers in each state; And whereas a sufficient quantity of lands for satisfying the bounties due to the late Army was set apart by the Act ⁴ of Congress

¹ The Supplement to the Ordinance for disposing of Western lands was entered by Benjamin Bankson and signed by Cyrus Griffin, President, and Charles Thomson, Secretary, in *Register of Ordinances, Papers of the Continental Congress*, No. 175, pp. 135-141. It was also entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 39-44. Printed copies, signed by Charles Thomson, are in *Papers of the Continental Congress*, Broad-sides.

² Roger Alden takes up the entry.

³ *Journals*, vol. XXVIII, pp. 375-381.

⁴ *Journals*, vol. XXXIII, pp. 695-696.

passed the 22^d of Oct. last, whereby further drafts for satisfying military bounties in lands from the townships lately surveyed are become unnecessary,

Be it ordained by the United States in Congress Assembled, That so much of the said Ordinance passed May the 20th 1785, as ordains that certain parts of the townships therein directed to be surveyed shall be drawn for in the name of the thirteen States respectively, according to the quotas in the last preceeding requisitions in all the States, in order that the same be sold by the said loan Officers; and also that the Secretary at War shall take by lot from the townships when surveyed certain proportions of land for the use of the late Army, so far as the same may respect future drafts, be, and the same are hereby repealed.

Be it further ordained, That the board of treasury be, and they hereby are authorised and directed to sell those parts of the seven ranges of townships surveyed in the western territory, which are not already sold or drawn for the use of the late army in the same manner, and on the same conditions, and under the same restrictions and limitations as were prescribed in the resolutions ¹ of Congress of April 21st 1787, except as to the place of sale and the daily continuance thereof, which may be so far varied, that the said board may commence the sales at New York or Philadelphia, and adjourn the same from time to time, to any part or parts of the United States which they may judge most proper for the purpose.

Be it further ordained, That the Secretary at War issue warrants for bounties of land to the several Officers and soldiers of the late continental Army who may be entitled to such bounties, or to their respective assigns or legal representatives, certifying therein the rank or station of

¹ *Journals*, vol. XXXII, p. 226.

each Officer, and the line, regiment corps and company in which the Officer or soldier served.

Be it further ordained, That the Geographer by warrant under his hand and seal appoint one surveyor to each of the two tracts or districts of land set apart for satisfying the said bounties, by the Act of Congress of the 22^d of October last; And that the persons entitled to lands by virtue of warrants issued as aforesaid, shall be at liberty to locate them on any part of the two tracts of land set apart as aforesaid, provided that each location and survey shall be bounded on one side by one of the external boundaries of one of the tracts aforesaid, or by some prior survey therein, and the external lines of each survey shall run east and west, north and south,¹ except external lines as are formed by such parts thereof excepted as may border upon a river bounding the district and the several surveys shall be in squares, unless where restrained by such river or by the lines of former surveys; and provided also that in every location there shall be a combination of as many warrants as shall make the same at least six miles square, and no interstices shall be left between surveys less than six miles wide.

Be it further ordained That each surveyor upon making any survey shall protract and lay the same down on a general map to be kept and preserved and shall make a record of each survey in a book to be kept for that purpose and make out and deliver a copy of the survey certified under his hand to the proprietor or proprietors thereof; and the surveyor shall retain in his hands all warrants by him laid out and located until he can transmit the same to the board of treasury which he shall do within one year after laying out the land, certifying thereon under his hand that the same is satisfied. That the surveyors to be appointed as herein

¹ Charles Thomson resumes the entry.

before directed shall be entitled to receive for the services enjoined them by this Ordinance so much only as shall be allowed and fixed by the governor and judges of the western territory and shall be liable to be displaced by the Geographer for neglect of duty or other misbehaviour in which case he shall supply any vacancy so happening by a new appointment. That each surveyor who may be appointed under this Ordinance, before he enters upon the duties of his office shall take an oath or affirmation, that he will¹ justly and truly execute the trust reposed in him as Surveyor of a district of land in the western territory according to the best of his skill and understanding without favor or partiality, which oath or affirmation shall be taken before the Governor or either of the Judges of the western territory, or one of the Justices of the Supreme Court in either any of the United States, and being duly attested, shall be transmitted to the Secretary of Congress to be by him filed of record. That the maps and records before mentioned shall at all times be subject to the orders of Congress, to be removed or deposited wherever they shall direct. That if any Officer or soldier, or Assignee or grantee of either shall desire to have their bounty of land allotted in the townships or fractional parts thereof, lately drawn for the Army by the Secretary at War, out of the first four ranges of townships surveyed west of the Ohio, and shall cause such his desire in writing, together with his land warrant to be deposited in the office of the Secretary at War before the first of July 1789, the said Secretary shall cause so much of the said Townships which, have been drawn for the Army, to be drawn for by lot as will satisfy the warrants so deposited, for which surveys shall be made out and delivered to the several proprietors, signed by the Geographer of the United States, which surveys shall be recorded in a book by the Geographer and lodged in the

¹ Roger Alden again takes up the entry.

Treasury Office. And whereas lands are set apart for satisfying military bounties not only in the said districts and townships but also within the limits of purchases made by several companies,

Be it further ordained, That the persons who have purchased tracts of the federal lands shall have credit for so much land as the warrants, issued as aforesaid and delivered by them to the board of treasury, cover, provided that in no case deductions on account of military bounties shall exceed one seventh part of the purchase.

¹ Done in Congress &c.

[Report of Secretary of Congress on letter of the Governor of Virginia ²]

OFFICE OF SEC^y OF CONGRESS

July 8, 1788

On the letter ³ of the 30th of June from his Excellency the gov^r of Virginia forwarding intelligence rec^d from Col Martin touch^g the removal of the Cherokees, the causes thereof and the disposition of the Indians in gen^l

The Sec^y of Congress reports

Agreed

That the Letter of 30th June from his Ex^y the gov^r of Virginia with the papers enclosed be referred to the Sec^y at War to report.⁴

[Report of Board of Treasury on memorial of S. H. Parsons and J. M. Varnum ⁵]

The Board of Treasury to whom was referred a Memorial of Samuel H. Parsons, and J. M. Varnum Judges of the Western Territory,

¹ Charles Thomson resumes the entry.

² *Papers of the Continental Congress*, No. 180, p. 78.

³ See July 8, 1788.

⁴ According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 198, the letter was referred in conformity with the report to the Secretary at War to report. Report rendered July 18, 1788. See September 1, 1788.

⁵ *Papers of the Continental Congress*, No. 138, II, pp. 219-222, read July 9, 1788. The enclosures are on pp. 235-236, 239-240 and 243. The covering letter, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 555. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 198, the report was referred to the Board of Treasury to take order. See June 23 and 24, 1788.

Beg leave to Report

That the object of the Memorialists is to obtain the authority of Congress, for charging their Salaries as Judges, from the time of their appointment instead of the period of taking the Oath of Office.

That the reasons assigned for this application are annexed to the accounts of the Memorialists, Copies of which are herewith transmitted.

On the above Memorial the Board beg leave to observe, That, it is the general Rule of the Treasury to compute the Salaries of Public Officers, from the time of their taking the Oaths of Office; except in cases where, the Claimants can prove, that they have been actually employed in the Public Service, previous to such period, and have been prevented by some peculiar circumstances from taking the requisite Oaths.

That on the reasons offered by the Memorialists, being submitted together with their respective accounts to the examining Officers of the Treasury, they have reported; that the Governor of the said Territory, is the person best qualified for determining when the Judges began to execute the Duties of their respective Offices; at which period the Act for their appointment declares that their Salary should commence.

In this opinion, the Board concur; as a precedent may be otherwise established, which will render it altogether Indeterminate at what period the Salaries of Persons holding Offices under Congress should commence.

The Memorialists will at present be entitled to receive their Salaries as other Officers of the Civil Department, from the time of their taking the Oaths of Office; which appears to have been on the 4th of April last; and should it hereafter appear equitable that an extra allowance should be made for the Services stated to have been performed by them previous to the period of taking the Oaths; the United States will without doubt make such compensation as shall appear adequate, on the proper proofs being exhibited of the propriety of such claim.

All which is humbly Submitted.

July 9th 1788.

SAMUEL OSGOOD
WALTER LIVINGTON
ARTHUR LEE

[Letter of Board of Treasury respecting accounts in Europe ¹]

BOARD OF TREASURY

July 8th 1788.

SIR: We esteem it our duty to inform Congress that it will be impracticable to carry into execution their Order of the 22^d May last (so far as the same relates to the expenditure of monies in Europe, on Acco^t of the United States) unless all the Books and Papers, which belong to the late Office, of the Commissioner for Foreign Accounts, are transmitted to the Treasury.

The aggregate of these Expenditures is very large, and although general statements of most of those Accounts have been transmitted by Mr. Barclay, they are altogether unaccompanied with Vouchers, and of such a nature, as to render it impossible to make the necessary entries on them in the Books of the Treasury.

The obtaining these Papers, and the careful preservation of them on the route, appears to us a matter of so much importance, that we propose to send a trusty Person by the next Packet to France to receive them of the Hon^{ble} M^r Jefferson (in whose care they now are) and to bring them to this Country, unless Congress should judge it advisable to direct otherwise.

We have the honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Postmaster General regarding mail contracts ²]

GENERAL POST OFFICE

New York July 8th 1788.

SIR: I was yesterday honored with the Resolves of Congress of the 3^d Ins^t respecting Contracts for the Carriage of the Mail during the

¹ *Papers of the Continental Congress*, No. 140, II, pp. 539-540, read July 9 and acted on July 18, 1788.

² *Papers of the Continental Congress*, No. 61, pp. 353-355, read July 9, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 198, the letter was referred to the committee on the Post Office, appointed July 7, 1788. See the report rendered August 27, 1788. See also September 30 and October 9, 1788.

ensuing year; and, upon perusing them some Difficulties occur, which make an Application to your Excellency necessary; I beg leave to mention them, and to request the farther Directions of Congress.

The Resolve of the 3^d Ins^t instructs the Postmaster General "to make Arrangements for the Transportation of the Mail for one Year from the first Day of January next on the Cross Roads mentioned in the Resolves of Congress passed the 4th Sept^r 1786 and the 27th July 1787, on the Principles provided in the Resolution of the 15th of February 1787;" Upon a Reference to the first of those Resolves your Excellency will observe the following Cross Roads particularly mentioned therein; viz^t

From Portland to Pownalborough in the State of Massachusetts.

From Boston in the State of Massachusetts to the Town of Concord in New Hampshire, and from thence through Exeter to Portsmouth.

From Springfield in the State of Massachusetts to the City of Albany in the State of New York.

The first of these, besides being included in the Clause above quoted from the Resolves of the 3^d Ins^t (which expressly require that the Business shall be done "*upon the Principles provided in the Resolution of the 15th of February 1787*," is also particularly mentioned in the next Clause, which directs the Postmaster General, unconditionally (except as to the Duration of the Contract) "to employ Posts for the regular Transportation of the Mail between Portland and Pownalborough in the State of Massachusetts". Your Excellency will immediately perceive the Embarrassment which such contrary Directions must necessarily create in the mind of the Postmaster General, and that Obedience to both is impracticable.

The two other Cross Roads above mentioned have already been contracted for, for seven Years, agreeably to the Resolve of Congress, of the 4th September 1786; and the Contracts must, doubtless, be considered as binding upon the Union; but the Resolve of 3^d Ins^t if carried into Effect by the Postmaster General's entering into new Contracts for those Routes for one Year from the 1st of January next, will violate those which are already formed, and subject the Postmaster General to a Prosecution for Damages sustained by the Contractors. I apprehend, Sir, it was not the Intention of Congress to interfere with Contracts already formed, and yet, as no such *saving Clause* as that contained in the Resolves of 4th September 1786 is introduced into those of the 3^d Ins^t it appears as if the Honorable

Committee entertained a different Idea, and I dare not venture to act upon my own Judgment in this Case.

Your Excellency will observe that one of the Cross Posts directed by the Resolves both of 4th September 1786, and the 3^d Ins^t to be contracted for by the Postmaster General, is "from the Town of Alexandria in the State of Virginia to the Town of Pittsburgh in the State of Pennsylvania, by the Route of Leesburg, Winchester, Fort Cumberland and *Bedford*;" The Resolve of 20th May last directs the Postmaster General to "employ Posts" between Philadelphia and Pittsburgh "by the Route of Lancaster, York Town, Carlisle, Chamberstown and *Bedford*;" if therefore, a Contract should be entered into for the Route from Alexandria to Pittsburgh, there will be two Posts, one private, the other in public Service between Bedford and Pittsburgh; and the Contract with the private Rider must contain, at least by Implication, a Surrender, on the Part of the United States, of the *Postage* between those two Places, whereby the Revenue will be injured.

Pursuant to the Resolve of May 20th 1788, I have engaged with a Person for the Route from Philadelphia to Pittsburgh for one Year; he has sent a Person, with Horses to be fixed at proper Stations, who, I suppose, is now at Pittsburgh; and it is probable that a regular Transportation of the Mail will commence in the Course of ten Days or a Fortnight. In this State of the Business, Sir, the Resolve of the 3^d Ins^t directs me to employ Posts upon that Route for one Year *from the first day of January next*, at which Time the existing Contract will be but half expired. Here Difficulties, which have been already hinted at, recur; and a new one presents itself; viz^t a double Expence upon the same Road, for half the Period of the present Contract.

Your Excellency, I flatter myself, will excuse these Remarks, as the Difficulties stated are obviously of such a Nature as to be insurmountable, except through the Intervention of Congress; and will your Excellency permit me to submit it to Consideration, whether a standing Instruction to Committees upon the Business of any Department, to consult with the Head of the Department upon the Object

of their Appointment, would not be useful, as tending to furnish necessary Information, and to prevent Confusion.

I have the Honor to be, etc.,

EBEN HAZARD ¹

His Exc^y THE PRESIDENT OF CONGRESS.

THURSDAY, JULY 10, 1788.

Congress assembled present New hamshire Massachusetts, Connecticut New York New Jersey Pensylvania, Delaware, Maryland Virginia, North Carolina South Carolina and Georgia.²

FRIDAY, JULY 11, 1788.

Congress assembled. Present New hampshire Massachusetts, Rhode island, Connecticut, New York New Jersey Pensylvania Delaware, Maryland, Virginia North Carolina, South Carolina and Georgia.

[Report of committee on petition of W. Gardner ³]

The Committee consisting of [Mr. Thomas Tudor Tucker, Mr. William Irvine and Mr. Paine Wingate] to whom was referred the memorial of William Gardner and the Report of the Board of Treasury thereon,

¹ JULY 9, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 198, the report of the committee of June 4, 1788, on the letter of Baron von Steuben, was recommitted to the same committee, which reported July 25, 1788. See July 7, August 25 and September 11, 1788.

According to indorsement the report of the committee on putting the new Constitution into operation was the order of the day for this date. The *Committee Book*, p. 197, and *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 36, give July 9, 1788, as the date of the report. No further evidence regarding consideration on this date is available. See July 2, 8, 14 and September 13, 1788.

² JULY 10, 1788. According to indorsement was read:

Letter of the States General of United Netherlands to the United States in Congress Assembled, April 7, 1788, respecting the recall of Mr. John Adams. *Papers of the Continental Congress*, No. 59, IV, pp. 375-376, in Dutch. The English translation, also read, is in *Papers of the Continental Congress*, No. 84, VI, pp. 639-640.

³ *Papers of the Continental Congress*, No. 19, II, pp. 373-374, in the writing of Mr. Paine Wingate. Read July 11 and question taken and lost July 15, 1788. See May 2 and 5, 1788.

Beg leave to report,

That according to the statement of said Gardner, he was for several years of the late war, a purchasing agent of clothing for the Army of the United States, in which employ he was often in large advances for supplies sent on to the army, and ever had the approbation of the Clothier general for his conduct. That in October 1780 in consequence of very pressing orders to purchase a quantity of linnens to relieve the suffering condition of the army, and the strongest assurances of immediate remittance therefor, the said Agent was induced to contract for linnens to a considerable amount and to give his personal security for the pay.

That not until six months after the purchase did he receive any remittance, and then not sufficient to discharge the contract, and finally not having been able to obtain any further remittances, he was obliged in December 1783 to pay the remaining balance with his own money in specie, being 685. 51/90 Dollars. Which sum, besides a balance for articles supplied to the army by himself, and for his personal services as agent, is still due to him from the public.

That the said Gardner asks payment only of that part of his due which he advanced in money of his own specie, and which recent losses and disappointments particularly compel him to solicit at this time. And which he would be content to receive by an order on the loan officer in New Hampshire to pay him out of the specie tax for the year 1787.

From the foregoing statement of facts, the principal of which are confirmed by the commissioner of accounts of the clothing department and by letters on the subject, the committee would observe that the said Memorialist, from a zeal to serve his country when in distress did pledge his private credit, when the public would not avail, and has actually submitted to the hard necessity of discharging those engagements out of his own resources, when he had a right to expect the relief of promised remittances, and at a time when pressed with additional misfortunes. That his request is very moderate, being only for the money advanced and not the residue of his debt, and not in a way that might be incompatible with the state of the treasury but by an order on a loan officer where he has reason to expect delay and loss in the mode of payment.

Under these circumstances the committee are of opinion that it is reasonable and just the memorialist should receive the relief asked for.

Therefore they would submit the following Resolution

That the Board of Treasury take order for the payment of a final settlement certificate due to William Gardner for the sum of Six hundred eighty five dollars and 51/90 of a dollar, and that it be paid by an order on the loan officer of the State of New Hampshire out of the Specie ~~tax~~ Requisition for the year 1787.¹

MONDAY, JULY 14, 1788.

Congress assembled. Present New hampshire Massachusetts Connecticut New York New Jersey, Pennsylvania Delaware Maryland, Virginia, North Carolina, South Carolina and Georgia and from Rhode island Mr [Peleg] Arnold.

Mr Egbert Benson a delegate for New York attended and took his seat.²

The com^{ee} consisting of Mr [Edward] Carrington Mr [Pierpont] Edwards Mr [Abraham] Baldwin Mr [Samuel Allyne] Otis and Mr [Thomas Tudor] Tucker to which were referred the Acts of the several States ratifying the Constitution, which have been transmitted to Congress having reported³ An Act for putting the said Constitution into Operation and the following clause in the Act being under debate viz "That the first Wednesday in December next be the day for appointing electors in the several states which have or shall, before the said day have ratified the said constitution" A Motion⁴ was made by Mr [Pierpont] Edwards seconded by Mr [Nathan] Dane to postpone that clause in order to take up the following "That the fourth Wednesday in December next be the day for appointing Electors in the several states of New hampshire, Connecticut,

¹ JULY 11, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 198, the following committee was appointed:

Mr. Abraham Baldwin, Mr. Benjamin Huntington and Mr. Hugh Williamson on the memorial of John Pierce, dated July 9 and read July 11, 1788, for compensation for extra services and expences. *Papers of the Continental Congress*, No. 41, VIII, pp. 246-247. Report rendered July 15 and acted on July 16, 1788.

² For Mr. Benson's credentials see February 25, 1788.

³ See July 8, 1788. See also July 2, 9 and 28, and September 13, 1788.

⁴ *Papers of the Continental Congress*, No. 23, p. 337, in the writing of Mr. Pierpont Edwards.

New Jersey Delaware, Maryland and South Carolina and that the same day be the day for appointing Electors in the state of Rhode island provided the said state shall before that day have ratified the said Constitution; and that the third Wednesday in said December be the day for appointing electors in the States of Massachusetts, Pensylvania and Georgia and that the same day be the day for appointing electors in the state of ¹ New York provided that state shall before that day have ratified the said Constitution; and that the first Wednesday in said December be the day for appointing electors in the state of Virginia and that the same be the day for appoint^s electors in North Carolina, provided the said state shall before that day have ratified said Constitution". On the question to postpone for the purpose above mentioned the yeas and nays being required by M^r [Dyre] Kearny

New hampshire

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachusetts

M ^r Dane	ay	}d
M ^r Otis	no	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	
M ^r Edwards	ay	

New York

M ^r L'Hommedieu	ay	}ay
M ^r Benson	ay	
M ^r Yates	no	

New Jersey

M ^r Clarke	no	}no
M ^r Elmer	no	

Pensylvania

M ^r Irvine	no	}no
M ^r Bingham	ay	
M ^r Reid	no	

Delaware

M ^r Kearny	no	}no
M ^r Mitchel	no	

Maryland

M ^r Howard	no	}no
M ^r Seney	no	
M ^r Contee	no	

Virginia

M ^r Griffin	no	}no
M ^r Carrington	no	

North Carolina

M ^r Swann	no *
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South Carolina

M ^r Huger	no	}no
M ^r Tucker	no	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So it passed in the negative.

¹ At this point two repeated lines are crossed off.

[Motion of Delegates of North Carolina on treaty with Spain ¹]

Whereas many Citizens of the United States who possess Lands on the Western Waters have expressed much uneasiness from a Report that Congress are disposed to treat with Spain for the surrender of their Claim to the Navigation of the River Mississippi in Order therefore to quiet the Minds of our fellow Citizens by removing such ill founded Apprehensions

Resolved that the United States have a clear absolute and unalienable Claim to the free Navigation of the River Mississippi which Claim is not only supported by the express Stipulations of Treaties but by the great Law of Nature.

[Motion of Mr. Edwards for granting allowance to the Secretary at War for extra services ²]

Whereas the duties of the Secretary for the department of War, since the establishment thereof have been considerably encreased, by the general superintendence of the Indian departments, and the management of the Quarter Master Generals department, being annexed to his Office, and it is just and reasonable that adequate allowances be made,

Therefore *Resolved* that the Secretary for the department of War, be allowed, in addition to his Salary for that Office, at the rate of dollars per annum, for his services in the general superintendence of the Indian departments to be computed from the day of 1786, when the Indian ordinance was enacted, and also at the rate of dollars per annum for his services in the Quarter Master Generals department, to be computed from the date of the abolition of the said department.

¹ *Papers of the Continental Congress*, No. 36, III, p. 405, in the writing of Mr. Hugh Williamson. See July 15 and September 3, 1788.

² *Papers of the Continental Congress*, No. 36, III, pp. 427-428, in the writing of Mr. Edward Carrington. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 198, it was referred to the committee on the War Department appointed July 7, 1788. Report rendered July 18, 1788. See July 22 and 25, 1788.

[Report of committee on the Georgia cession ¹]

The Committee consisting of [Mr. Abraham Clark, Mr. Nathan Dane, Mr. Hugh Williamson, Mr. Edward Carrington and Mr. Paine Wingate] to whom were referred a motion of the Delegates of Georgia, with the act ² of the legislature of that State passed Feb^y 1, 1788 for ceding a part of the Territorial claims of the said State to the United States report

That the said state by the act aforesaid has authorised her Delegates in Congress to convey to the United States ~~a certain tract~~ the Territorial claim of the said State to a certain tract of Country bounded as follows, to wit. Beginning at the middle of the river Chatahouchie, or appalachicola, where it is intersected by the thirty first degree of North Latitude, and from thence due North one hundred and forty British Statute miles; thence due West to the middle of the river Mississippi; thence ~~due~~ down the said river to where it intersects the thirty first degree of North Latitude, and thence along the said Degree to the place of Beginning annexing the provisoes and conditions following to wit, first, that the United States in Congress assembled shall guarantee to the Citizens of the said Territory a republican form of Government subject only to such change as may take place in the federal Constitution of the United States. Secondly that the navigation of all the waters included in the said cession shall be equally free to all the Citizens of the United States, nor shall any tonage on vessels or any duties whatever be laid on any goods wares or merchandise that may pass up or down the said waters, unless for the use and benefit of the United States. thirdly that the sum of one hundred and seventy one thousand four hundred and twenty eight dollars and forty five ninetieths of a dollar which has been expended in quieting the minds of the Indians and resisting their hostilities shall be allowed as a charge against the United States, and be admitted in payment of the Specie requisitions of that State's quotas that have been or may be required by the United States. fourthly, that in all Cases where the State may require defence, the expences arising thereon shall be allowed as a charge against the United States agreeably to the Articles of Confederation, and fifthly that Congress

¹ *Papers of the Continental Congress*, No. 30, pp. 599-602, in the writing of Mr. Nathan Dane. Read July 14 and passed July 15, 1788. The report has been changed to make it read as passed. See May 29, 1788.

² *Papers of the Continental Congress*, No. 76, pp. 292-295.

shall guarantee and secure all the remaining territorial rights of the State as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain, the Convention ¹ between the said State and the State of South Carolina entered into the 28th day of April 1787, and the Clause of an act of the said State of Georgia describing the boundaries thereof passed the 17th of February 1783.

Your Committee having fully considered the Subject referred to them, are of opinion, that the cession offered by the State of Georgia cannot be accepted on the terms proposed.

1st because the tract of land proposed to be ceded appears to be but an inconsiderable part of the vacant and unappropriated lands claimed by the State of Georgia. 2^d because it appears highly probable that on running the boundary line between that State and the adjoining State or States, a claim to a large tract of Country extending to the Mississippi and lying between the tract proposed to be ceded and that lately ceded by South Carolina will be retained by the said State of Georgia, and therefore the land offered by this State must be too far removed from any lands now belonging to the Union to be of any immediate advantage to it. 3^d because there appears to be due from the State of Georgia on Specie requisitions but a small part of the sum mentioned in the third proviso or condition before recited, and that it is improper in this Case to allow a charge against the Specie requisitions of Congress which may hereafter be made, especially as the said State stands charged to the United States for very considerable sums of money loaned, and 4th because the fifth proviso or condition before recited contains a special guarantee of Territorial rights, and such a guarantee as has not been made by Congress to any State, and which, considering the Spirit and meaning of the Confederation, must be unnecessary or improper.

But the Committee are of opinion that the first, second, and fourth provisos before recited and also the third (with some variation) may be admitted and that should the said State extend the bounds of her cession, and vary the terms thereof as hereinafter mentioned Congress may accept the same whereupon they submit the following resolutions

¹ Entered in *Journals* August 9, 1787. *Journals*, vol. XXXIII, pp. 467-474.

Resolved that the cession of claims to Western Territory offered by the State of Georgia cannot be accepted on the terms
ag: contained in her act passed the first of February last.

Resolved that, in case the said State shall make a cession of all her territorial claims to lands West of the river Appalachicola, or west
ag: of a meridian line not more than miles west of the place where that river intersects the Southern boundary of Georgia; omit the last proviso in her said act and so far vary the proviso respecting the sum of 171,428 dollars and 45/90 of a dol^r expended in quieting and resisting the Indians, as that the said State shall have credit therefor in the Specie requisitions of Congress to the amount of her quotas on the past requisitions and for the residue in her account with the United States for monies loaned Congress will accept the Cession.

[Report of Board of Treasury on Mr. Wingate's motion ¹]

The Board of Treasury to whom was referred a Motion of the Hon^{ble} M^r Wingate,

Beg leave to inform Congress,

That in order to ascertain whether there were any circumstances peculiar to the Parties, which rendered it proper to extend the relief intended by the Motion, they have made the necessary enquiries of the Commissioner of Accounts for the Marine Department; Copy of whose Report is hereunto annexed.

In addition to the Commissioners remarks, the Board beg leave to observe, that the constant applications which are making to this Office, from Claimants in the other great Departments, convince the Board that if in any one of them, a further time should be allowed for exhibiting Claims, this indulgence must necessarily soon become general; which would defeat all hopes of closing within any reasonable period, the general Accounts of the late War. It is with satisfaction the Board observe that this great object is approaching fast to a conclusion: the importance of it must be so apparent to Congress, that it is to be presumed no measure will be adopted that has any tendency to obstruct it.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 565-567, read July 14, 1788. The copy of the enclosed report of the Commissioner of the Marine Department is on pp. 567-568. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 559. See June 25, 1788.

Under the circumstances above stated the Board are of opinion:
That the public Interest will not admit of a Compliance with the
Motion Submitted to their consideration.
All which is humbly Submitted.

July 11th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE¹

TUESDAY, JULY 15, 1788.

Congress assembled present as yesterday.

² The com^{ee} consisting of M^r [Abraham] Clarke M^r [Nathan] Dane M^r [Hugh] Williamson M^r [Edward] Carrington and M^r [Paine] Wingate to whom was recom^d their report³ on a motion⁴ of the delegates of Georgia and an Act⁵ of the legislature of that state passed feb^y 1 1788 for ceding a part of the territorial claims of the said State to the United States having reported

“That the said state by the act aforesaid has authorised her delegates in Congress to convey to the United States the territorial claim of the said state to a certain tract of country bounded as follows, to wit, beginning at the middle of the river Catahouche or Appalachicola where it is intersected by the thirty first degree of North latitude and from thence due north one hundred and forty british statute miles; thence due west to the middle of the river Mississippi;

¹ JULY 14, 1788. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 36, was received (read):

Letter Edmund Pendleton, president of the convention, to President of Congress, June 28, 1788, transmitting the instrument of ratification of the Constitution by Virginia. *Papers of the Continental Congress*, No. 71, II, p. 611.

According to indorsement and *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 35, the committee report of May 16 on the petition of Cosimo Medici was negatived and filed. See July 23, 1787 and March 12, 1788.

² The proceedings from this point to the end of the day were entered by John Fisher, in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 45–51.

³ See July 14, 1788.

⁴ See May 29, 1788.

⁵ *Papers of the Continental Congress*, No. 76, pp. 292–295.

thence down the said river to where it intersects the thirty first degree of North latitude and thence along the said degree to the place of beginning annexing the provisoes and conditions following to wit. First that the United States in Congress assembled shall guarantee to the citizens of the said territory a republican form of government subject only to such change as may take place in the federal constitution of the United States. Secondly That the navigation of all the waters included in the said cession shall be equally free to all the citizens of the United States, nor shall any tonage on vessels or any duties whatever be laid on any goods, wares or merchandize that may pass up or down the said waters, unless for the use and benefit of the United States; thirdly that the sum of one hundred and seventy one thousand four hundred and twenty eight dollars and $\frac{45}{100}$ of a dollar which has been expended in quieting the minds of the Indians and resisting their hostilities shall be allowed as a charge against the United States and be admitted in payment of the specie requisitions of that states quotas that have been or may be required by the United States; fourthly that in all cases where the state may require defence the expences arising thereon shall be allowed as a charge against the United States agreeably to the articles of Confederation; and fifthly that Congress shall guarantee and secure all the remaining territorial rights of the state as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain the convention¹ between the said state and the state of South Carolina entered into the 28th day of April 1787 and the clause of an Act of the said state of Georgia describing the boundaries thereof passed the 17 of feby 1783.

The com^{es} having fully considered the subject referred to them are of opinion that the cession offered by the state of

¹ *Journals*, vol. XXXIII, pp. 467-474. (August 9, 1787).

Georgia cannot be accepted on the terms proposed 1st because the tract of land proposed to be ceded appears to be but an inconsiderable part of the vacant and unappropriated lands claimed by the state of Georgia. Because it appears highly probable that on running the boundary line between that state and the adjoining state or states a claim to a large tract of country extending to the Mississippi and lying between the tract proposed to be ceded and that lately ceded by South Carolina will be retained by the said state of Georgia and therefore the land which the state now offers to cede must be too far removed from any other lands hitherto ceded to the Union to be of any immediate advantage to it. 2. because there appears to be due from the state of Georgia on specie requisitions but a small part of the sum mentioned in the third proviso or condition before recited and ~~that it is~~ improper in this case to allow a charge against the specie requisitions of Congress which may hereafter be made, especially as the said state stands charged to the United States for very considerable sums of money loaned, and third because the fifth proviso or condition before recited contains a special guarantee of territorial rights and such a guarantee as has not been made by Congress to any state and which considering the spirit and meaning of the confederation must be unnecessary or improper. But the committee are of the opinion that the first, second and fourth provisoes before recited and also the third with some variations may be admitted and that should the said state extend the bounds of her cession and vary the terms thereof as herein after mentioned Congress may accept the same whereupon they submit the following resolution:

¹ That the cession of claims to western territory offered by the State of Georgia cannot be accepted on the terms contained in her Act passed the first of February last.

¹ Roger Alden takes up the entry.

That in case the said State shall authorise her Delegates in Congress to make a cession of all her territorial claims to lands west of the river Appalachicola, or west of a meridian line running through or near the point where that river intersects the thirty first degree of North Latitude, and shall omit the last proviso in her said Act, and shall so far vary the proviso respecting the sum of 171,428 dollars and $\frac{45}{100}$ of a dollar expended in quieting and resisting the Indians, as that the said State shall have credit in the specie requisitions of Congress to the amount of her specie quotas on the past requisitions, and for the residue in her account with the United States for monies loaned; Congress will accept the cession."

¹ *Resolved* That Congress agree to the said report.

² On motion ³ of the Delegates for Georgia.

Whereas it is represented to Congress by the Delegates of the State of Georgia that the principal parts of the frontiers of that State have been for several Years past invaded and kept in a state of alarm by the Creek Indians; that the fighting men of that Nation supposed to amount to not less than six thousand, have been so far instigated by refugees and fugitive traders, who had formerly escaped from these States, and taken refuge among them as to keep up constant and bloody incursions on the different parts of that frontier, and that the settlements of four of the exterior counties are almost entirely broken up.

Resolved That the Superintendant and Commissioners for the southern department be instructed if they shall find it necessary, to notify to the said Indians, that should they persist in refusing to enter into a Treaty upon reasonable terms, the Arms of the United States shall be called forth for the protection of that frontier.

¹ Charles Thomson entered the following sentence.

² Roger Alden continues the entry.

³ See June 27, 1788. See also February 1, June 4 and June 20, 1788.

Ordered, That the Secretary at War report¹ to Congress a plan for carrying into effect the purposes specified in the preceeding resolve as nearly as may be upon the principles of the resolution² of the 21st of July last for the protection of the frontiers of Pennsylvania and Virginia.

[Report of committee on memorial of J. Pierce³]

The Committee consisting of [Mr. Abraham Baldwin, Mr. Benjamin Huntington and Mr. Hugh Williamson] to whom was referred the memorial of John Pierce praying that he may have some pay for his services in settling the army accounts in addition to the allowance that has been made him as pay master general beg leave to report

That in March 1783 Mr Pierce was appointed commissioner for settling the army accounts without any allowance for his services in ~~discharging the duties of that office.~~ The business was intricate and laborious, and your Committee cannot forbear to observe that he appears to have discharged it with the utmost integrity and with the most persevering industry. In travelling through the southern states on the duties of his office, with a clerk to whom he gave extra pay, his expences must at some periods have exceeded his allowance as pay master general. That having destroyed his health in the duties of this additional office, for which he has not been paid, he is like to resign life with the painful apprehension of entailing poverty and debts on his family unless congress shall grant him relief, wherefore the Committee submit the following resolve

That the board of treasury be directed to credit John Pierce to the amount of one hundred dollars per month as commissioner of army accounts from the time he entered on the duties of that office in 1783 to the end of the year 1785.⁴

¹ See July 28, 1788, for the report of the Secretary at War.

² *Journals*, vol. XXXIII, p. 386.

³ *Papers of the Continental Congress*, No. 19, V, pp. 187-188, in the writing of Mr. Abraham Baldwin. Read July 15 and acted on July 16, 1788. See July 11, 1788.

⁴ JULY 15, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 198, the following committees were appointed:

Mr. Hugh Williamson, Mr. Samuel Allyne Otis, Mr. Abraham Baldwin, Mr. Edward Carrington and Mr. Joshua Seney on report of committee on the memorial of George Morgan (see July 1, 1788) and the memorial of B. Tardiveau (see July 8, 1788). Report rendered July 30, 1788. The former committee of July

¹ WEDNESDAY, JULY 16, 1788.

Congress assembled present New hamshire, Massachusetts, Rhode island, Connecticut, New York, New Jersey, Pennsylvania Delaware Maryland, Virginia North Carolina, and South Carolina and from Pennsylvania M^r [William] Irvine and from Georgia M^r [Abraham] Baldwin

On a report ² of a com^{ee} consisting of M^r [Abraham] Baldwin M^r [Benjamin] Huntington and M^r [Hugh] Williamson to whom was referred a memorial ³ of John Pierce.

Resolved That the board of treasury be and they are hereby directed to credit John Pierce to the amount of one hundred dollars per month as commissioner of army accounts from the time he entered on the duties of that Office in 1783 to the end of the year 1785.

On the question to agree to this resolution the yeas and nays being required by M^r [Paine] Wingate.

8, 1788 on the memorial of Tardiveau was discharged. See June 25, August 12, 15 and 28, 1788.

Mr. Abraham Clark, Mr. Dyre Kearny and Mr. Paine Wingate on the memorial of John May respecting mines in the Western territory. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 36, this petition was received July 15, 1788.

Also according to indorsement and the *Committee Book*, pp. 198-199, the following were referred:

Motion, of July 14, 1788, of the delegates of North Carolina respecting the Mississippi. Referred to the Secretary for Foreign Affairs to report. Report rendered September 3, and acted on September 16, 1788.

Letter of Secretary at War H. Knox to President of Congress, January 25, 1788, (see February 1, 1788), respecting the case of J. Sullivan and a report of Lieut. Armstrong on the same subject transmitted with the Secretary's letter of July 7, 1788. Referred to the Secretary for Foreign Affairs to communicate such parts thereof as he should judge proper, to the Encargado of Spain.

According to indorsement the question was taken and lost on the report of the committee on the petition of W. Gardner. See July 11 and also May 2 and 5, 1788.

¹ Charles Thomson resumes the entry.

² See July 15, 1788.

³ See July 11, 1788.

<i>New hampshire</i>			<i>Pensylv^a</i>		
M ^r Gilman	ay	} d.	M ^r Irvine	ay	*
M ^r Wingate	no		<i>Delaware</i>		
<i>Massachusetts</i>			M ^r Kearny	ay	} ay
M ^r Dane	ay	} ay	M ^r Mitchel	ay	
M ^r Otis	ay		<i>Maryland</i>		
<i>Rhodeisland</i>			M ^r Seney	ay	} ay
M ^r Arnold	no	} no	M ^r Contee	ay	
M ^r Hazard	no		M ^r Ross	ay	
<i>Connecticut</i>			<i>Virginia</i>		
M ^r Huntington	ay	} ay	M ^r Griffin	ay	} ay
M ^r Wadsworth	ay		M ^r Carrington	ay	
M ^r Edwards	ay		<i>North Carolina</i>		
<i>New York</i>			M ^r Williamson	ay	} ay
M ^r L'Hommedieu	ay	} ay	M ^r Swann	ay	
M ^r Benson	ay		<i>South Carolina</i>		
M ^r Yates	no		M ^r Huger	ay	} ay
<i>New Jersey</i>			M ^r Tucker	ay	
M ^r Clarke	ay	} ay	<i>Georgia</i>		
M ^r Elmer	no		M ^r Baldwin	ay	*
M ^r Dayton	ay				

So it passed in the affirmative.

[Report of committee on copper coins ¹]

The Committee consisting of [Mr. Thomas Tudor Tucker, Mr. Abraham Clark and Mr. Nathan Dane] to whom was referred the report of the board of Treasury respecting the copper Coin, report that in their opinion it is necessary to reduce the nominal value of the copper coin and for the reasons stated in the report of the board of Treasury of the 21st of May last. Whereupon the Committee submit the following resolutions:

¹ *Papers of the Continental Congress*, No. 26, p. 677, in the writing of Mr. Nathan Dane. Read July 16, 1788. Mr. Abraham Clark made a motion respecting the copper contract, which according to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 199, was referred to a committee consisting of Mr. Abraham Clark, Mr. Hugh Williamson, Mr. Abraham Baldwin, Mr. Samuel Allyne Otis and Mr. Jeremiah Wadsworth. The committee reported August 4, 1788. See May 21, June 6, August 20, 27 and September 16, 1788. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 36, this report was filed.

That no copper coin struck under the authority of the United States, or that of a particular state, shall pass at a greater value than one federal Dollar for three pounds avoirdupois weight of such copper coin, that the Cents composing the said dollar shall be represented by a copper coin containing two hundred and nine grains and 98/100 of a grain Troy weight of pure copper, ~~and~~ that the copper coin struck in pursuance of the act¹ of Congress of the 8th of August 1786 shall pass for three quarters of a Cent and that a smaller coin be struck to represent one moiety of a Cent.

[Report of Board of Treasury on memorial of R. Walton ²]

The Board of Treasury to whom was referred the Memorial of Robert Walton of the State of Georgia.

Beg leave to Report

That from certain Documents relative to the Accounts of the late Major General Greene deposited in the Treasury; there is no room to doubt, that the Supplies stated by the Memorialist were actually furnished. That there is not at present sufficient evidence to ascertain whether payment may not have been made by the State of Virginia; on which the Memorialist received two different Orders; the first (as is alledged) having been lost.

That the Board have directed the necessary enquiries to be made on this head, the result of which is daily expected. Should it then appear that no payment has been made by the State of Virginia, a certificate will issue from the Treasury for the amount agreeably to the general mode, bearing Interest from the supply of the Articles furnished by Mr. Walton.

All which is humbly Submitted.

July 15th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE³

¹ *Journals*, vol. XXXI, pp. 503-504.

² *Papers of the Continental Congress*, No. 138, II, pp. 495-496, read July 16, 1788. See May 30, July 18 and 28, 1788.

³ JULY 16, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 199, the following committees were appointed:

Mr. Hugh Williamson, Mr. Nathan Dane and Mr. Edward Carrington on the motion of Mr. Williamson respecting the appointment of surveyors. The committee reported July 17, 1788.

Mr. Nathan Dane, Mr. Thomas Tudor Tucker and Mr. Samuel Allyne Otis on the letter of Samuel Nicholson, dated July 14, 1788, read July 16, 1788, re-

THURSDAY, JULY 17, 1788.

Congress assembled, present ~~New Hampshire Massachusetts Rhode Island Connecticut New York~~, The thirteen states.

On the report¹ of a com^{ee} consisting of Mr [Hugh] Williamson Mr [Nathan] Dane and Mr [Edward] Carrington to whom was referred a motion² of Mr [Hugh] Williamson

*Resolved*³ That the Geographer be and he is hereby authorised to appoint such surveyors as he shall think are best qualified to discharge the duties of that office without any reference to former appointments to each of whom, as also to the chain carriers whom they may employ shall be administered the oath prescribed by the Ordinance⁴ of May 20th 1785.

That there shall be allowed to each surveyor at the rate of two dollars per mile for every line he shall run on the river Ohio and three dollars per mile for every other line he shall actually run in executing large surveys including the wages of Chain-carriers, markers and every other expence direct or indirect that may attend the same.

specting prize money. *Papers of the Continental Congress*, No. 78, XVII, pp. 401-402. Report rendered July 17 and acted on July 18, 1788.

Also according to the *Committee Book* the memorial and vouchers of M. Faunt le Rey, respecting his claims, were referred to the Commissioner of Army Accounts. According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 36 these documents were received July 16, 1788. See May 6, 1788.

According to the *Committee Book*, p. 186, the committee of March 12, 1788 on land bounties for the army was discharged. See August 28, 1788.

¹ *Papers of the Continental Congress*, No. 30, p. 429, in the writing of Mr. Hugh Williamson.

² See July 16, 1788.

³ This resolve together with the preamble of Dane's motion and the resolves on this subject were entered by John Fisher in *Western Territory*, *Papers of the Continental Congress*, No. 176, pp. 51-54.

⁴ *Journals*, vol. XXVIII, 375-381.

On motion¹ of Mr [Nathan] Dane seconded by Mr [Hugh] Williamson,² Whereas Congress on the 13th of September 1783 fixed the terms and conditions³ upon which they would accept a cession of claims to western territory from the State of Virginia; and whereas the said State on the 20th of October in the same year agreed to the same terms and conditions, and by her act⁴ authorised her Delegates in Congress to convey, transfer and assign to the United States, the right, title and claim of the said State to the lands within her charter, and northwest of the river Ohio, on the terms and conditions proposed by Congress; and the said Delegates made a conveyance⁵ accordingly on the same conditions; among which conditions is the following, to wit, "That in case the good lands on the southeast side of the Ohio, upon the waters of Cumberland river and between the green river and Tenessee river which have been reserved by law to the Virginia troops upon continental establishment, should from the North Carolina line bearing in further upon the Cumberland lands than was expected prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands to be laid off between the river Scioto and little Miami on the North west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia;" And whereas it has not in any manner been alledged or stated to

¹ *Papers of the Continental Congress*, No. 30, pp. 147-149, in the writing of Mr. Nathan Dane. See March 12, August 28 and September 1 and 25, 1788.

² Roger Alden takes up the entry.

³ *Journals*, vol. XXV, pp. 559-564.

⁴ *Papers of the Continental Congress*, No. 75, pp. 388-391, attested copy.

⁵ Original conveyance on parchment, dated March 1, 1784, is in *Papers of the Continental Congress, Cessions of Western Lands*, Virginia.

Congress, that there is any such deficiency of lands on the south east side of the Ohio,¹

*Resolved,*² That the State of Virginia be informed that Congress consider all locations and surveys which shall be made by, or on account of the said troops on the said lands between the Scioto and Little Miami, before the said deficiency, if any, on the south east side of the Ohio shall be ascertained and stated to Congress, invalid.

¹ At this point the original motion has the following paragraphs, which are crossed off because of having been postponed:

"Resolved that all locations and surveys which ~~have been made or~~ shall be made by or on account of the said troops on the said lands between the Scioto and Miami before the said deficiency (if any) ~~of lands~~ on the South East side of the Ohio shall be duly ascertained and stated to Congress, shall be considered and deemed null and void

and to the end that the said deficiency, if any there be, may be made up to the said troops out of the good lands between the said rivers Sioto and Little Miami in a reasonable time, and that ~~after~~ on the expiration thereof the residue of the lands between the said rivers, after satisfying the said deficiency may be disposed of for the benefit of the United States

Resolved that no part of the said tract of land between the rivers Little Miami and Scioto shall be disposed of by the United States until after the expiration of two years from this time, in order that sufficient time may be given to ascertain the deficiency before mentioned, to ascertain the quantity of land on the North West side of the Ohio requisite to make good the same deficiency and to satisfy the said bounties, and all the claims on account of the said bounties not regularly brought forward and exhibited within the two years shall be considered as relinquished."

² *Papers of the Continental Congress*, No. 30, p. 149½, in the writing of Mr. Nathan Dane (?). This resolve was apparently an amendment to Dane's motion.

On the question to agree to this resolve the Yeas and nays being required by Mr [Abraham] Clark:

<i>N Hampshire</i>		<i>Delaware</i>	
Mr Gilman	ay	Mr Kearney	ay
Mr Wingate	ay	Mr Mitchell	no
<i>Massachusetts</i>		<i>Maryland</i>	
Mr Dane	ay	Mr Howard	no
Mr Otis	ay	Mr Seney	ay
<i>Rhode Island</i>		Mr Contee	no
Mr Arnold	ay	Mr Ross	ay
Mr Hazard	ay	<i>Virginia</i>	
<i>Connecticut</i>		Mr Griffin	no
Mr Huntington	no	Mr Madison	no
Mr Wadsworth	no	Mr Carrington	no
Mr Edwards	no	<i>North Carolina</i>	
<i>New York</i>		Mr Williamson	ay
Mr L'Hommedieu	ay	Mr Swann	ay
Mr Benson	ay	<i>South Carolina</i>	
Mr Yates	ay	Mr Huger	ay
<i>New Jersey</i>		Mr Tucker	no
Mr Clark	ay	<i>Georgia</i>	
Mr Elmer	ay	Mr Few	ay
<i>Pensylvania</i>		Mr Baldwin	no
Mr Irvine	ay		
Mr Bingham	ay		

So it passed in the affirmative.

Resolved, That the executive of the State of Virginia be requested to inform Congress whether there has been any deficiency of good lands reserved by the laws of that State on the south east side of the Ohio for the Virginia troops upon continental establishment; and if there has been any deficiency, what is the amount, and also what checks have been provided by the said State to prevent the said troops taking up more lands than are actually due to them, in order that measures may immediately be taken for laying off for the benefit of such troops a sufficient quantity of good land between the rivers Scioto and little Miami, and that Congress may be prepared to dispose of the remaining land between those rivers for the general benefit of the Union.

[Report of committee on claim of S. Nicholson ¹]

The Committee consisting of [Mr. Nathan Dane, Mr. Thomas Tudor Tucker and Mr. Samuel Allyne Otis] to whom was referred the letter of Capt Samuel Nicholson of the 14th instant, submit the following resolution

That in consideration of the trouble and expence incurred by Capt Samuel Nicholson in collecting evidence of the capture and disposition of the prizes taken in Europe in the year 1777 by the Continental armed vessels Reprisal, Lexington and Dolphin and in settling the accounts respecting the same a Commission of 2½ per Cent be allowed him on the Captor's proportion of the said prizes and deducted therefrom before division and that the Commissioner of accounts for the marine department settle with him accordingly.

[Report of Board of Treasury on memorial of I. Sherman
I. Ludlow and W. Morris ²]

The Board of Treasury to whom it was referred to Report on the Memorial of Isaac Sherman, Israel Ludlow and William Morris, praying for a further compensation for their Services as Surveyors of the Western Territory

Beg leave to Report

That in pursuance of the Act ³ of Congress of the 3^d of October 1787 there has been paid to the Memorialists the following sums on account of extra expences Vizt.

To Isaac Sherman	415. 74
Israel Ludlow	328. 82
W ^m W. Morris	350. 72
	1095. 48

That there has been further paid to the Memorialists on account of Surveys respectively made by them, agreeably to the Ordinance, the following sums viz^t

¹ *Papers of the Continental Congress*, No. 19, IV, p. 515, in the writing of Mr. Nathan Dane. Read July 17 and passed July 18, 1788. See June 27 and July 16, 1788.

² *Papers of the Continental Congress*, No. 138, II, pp. 355-360, read July 17, 1788. The accompanying document is on p. 361. The covering letter of the Board, also read, is on p. 365. See February 25, 1788.

³ *Journals*, vol. XXXIII, pp. 598-599.

To Isaac Sherman for . 86 Miles of Survey .	Doll ^s	172
“ Israel Ludlow for . 163½ Miles D ^o . .		327
“ W ^m W. Morris for . 7 Miles D ^o . .		14

Dollars . . . 513

Hence it appears, that the whole sum received by the Memorialists on account of their Service and Expences in executing Surveys has been 1608 48/90 ths. Dollars which is more than Six and one quarter of a dollar per Mile on the aggregate of their Surveys.

That it is alledged on the part of the Memorialists: That the Ordinance allowance of Two Dollars per Mile having been deducted from the account of Expences respectively exhibited by them; it follows of course, that where no Surveys have been made, by Surveyors exhibiting such accounts, the latter are in a better condition than the former; who went through the Fatigue of the Surveys, which they consider as an Injury, from which they ought to be relieved.

On which the Board beg leave to observe,

1st That the Surveyors having acted under a fixed Contract; any extra allowance which has been made to them must be considered as a Special Act of Bounty on the part of the United States, whether the same is or is not an adequate Compensation for their time and expences.

2^d That although the Surveyors actually employed may have sustained more personal Fatigue; than those who went to the ground, agreeably to orders, and were from unavoidable circumstances, prevented from executing the Surveys allotted to them; yet that the Claim of the latter for time wasted in the Public Service (for causes not imputable to themselves) is certainly as equitable as that of the former for time employed. And further,

3^d That the Sum actually received by the respective Surveyors, appears by the Certificate of the Geographer General marked A to be a full compensation for their time as well as expences in executing their Several Surveys; none of the Memorialists having received less than four Dollars per Mile on the amount of their Surveys, and some of them a much larger Sum.

For these reasons, and because the State of the Treasury will not admit of Payments to Numerous Applicants who have well established

Claims against the United States; The Board are of opinion that it would not be proper to make any further extra allowance for Surveys executed in the Western Territory, than what is provided for by the Act of Congress of the 3^d of October 1787; and therefore submit the following Resolve. Viz¹

That the application of Isaac Sherman Israel Ludlow and William W. Morris, for an additional compensation on account of their Services whilst executing Surveys in the Western Territory cannot be complied with.

All which is humbly submitted.

July 16th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ FRIDAY, JULY 18, 1788.

Congress assembled present as yesday.

On the report ² of a com^{ee} consisting of M^r [Nathan] Dane M^r [Thomas Tudor] Tucker and M^r [Samuel Allyne] Otis to whom was referred a letter ³ from Samuel Nicholson

Resolved That in consideration of the trouble and expence incurred by captain Samuel Nicholson in collecting evidence of the capture and disposition of the prizes taken in Europe in the year 1777 by the continental armed vessels Reprisal, Lexington and Dolphin and in settling the accounts respecting the same a commission of two and a half percentum be allowed him on the captors proportion of the said prizes and deducted therefrom before division and that the Commissioner of accounts for the marine department settle with him accordingly.

When the foregoing Act was under debate a motion was made by M^r [Joshua] Seney seconded by M^r [Edward] Carrington to strike out the latter clause viz "And that the Commissioner etc. to the end and in lieu thereof to insert

¹ Charles Thomson resumes the entry.

² See July 17, 1788.

³ See July 16, 1788.

"That the share of prizes captured by the ship Reprisal, capt Weeks Brig Lexington Capt Johnson and Sloop Dolphin capt Nicholson and delivered into the hands of the continental agent at Nantz for the use of the United States by instructions from the secret committee of Congress be paid to the captors respectively in specie according to the ascertained value of the said prizes." And on the question to agree to this amendment the yeas and nays being required by Mr [Hugh] Williamson

New Hampshire

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachusetts

M ^r Dane	no	}no
M ^r Otis	no	

Rhode Island

M ^r Arnold	no	}no
M ^r Hazard	no	

Connecticut

M ^r Huntington	no	}no
M ^r Wadsworth	ay	
M ^r Edwards	no	

New York

M ^r L'Hommedieu	no	}no
M ^r Benson	no	
M ^r Yates	no	

New Jersey

M ^r Clarke	no	}no
M ^r Elmer	no	

Pennsylvania

M ^r Irvine	no	}div ^d
M ^r Bingham	ay	

Delaware

M ^r Kearny	no	}no
M ^r Mitchel	no	

Maryland

M ^r Howard	no	}no
M ^r Seney	ay	
M ^r Contee	no	
M ^r Ross	no	

Virginia

M ^r Griffin	no	}no
M ^r Madison	no	
M ^r Carrington	ay	

North Carolina

M ^r Williamson	no	}no
M ^r Swann	no	

South Carolina

M ^r Huger	no	}div ^d
M ^r Tucker	ay	

Georgia

M ^r Few	ay	}div ^d
M ^r Baldwin	no	

So it passed in the negative.

[Motion of Mr. Williamson respecting land surveys ¹]

That the Geographer be directed immediately to take Measures for having the Tract of Land surveyed that is included in the Contract of Mess^{rs} Cutler and Serjeant and that the Board of Treasury make the necessary advances to enable him to discharge this Duty.

[Motion of Mr. Edwards regarding books and papers.²]

Resolved That the Minister of the United States at the Court of France be ~~requested~~ directed to transmit by such conveyance as he may judge most safe and convenient, to the Treasury Board, all the Books and Papers which belong to the late office of the Commissioner for Foreign Accounts.

[Report of committee on salary of Secretary at War ³]

The Committee [consisting of Mr. John Eager Howard, Mr. William Few, Mr. Jonathan Dayton, Mr. Nicholas Gilman, and Mr. Edward Carrington] appointed to enquire into the proceedings of the War department, to whom was referred the motion of M^r [Pierpont] Edwards, beg leave to report,

That the duties of the Secretary at War have been greatly encreased by the general superintendence of Indian affairs, and the Quarter Masters' department being committed to his care since the establishment of his office. That in the opinion of your Committee his present salary is inadequate to the duties which are required of him. Your Committee therefore beg leave to submit the following resolve.

Resolved, that the Secretary for the department of War be allowed, in addition to his salary, at the rate of three hundred and fifty dollars per annum for his services in the superintendence of Indian affairs

¹ *Papers of the Continental Congress*, No. 26, p. 681, in the writing of Mr. Hugh Williamson. The motion and the order upon it were entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 54-55. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 200, the motion was referred to the Board of Treasury and the Geographer to take order.

² *Papers of the Continental Congress*, No. 26, p. 679, in the writing of Mr. Nathan Dane (?). According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 199, the motion was referred to the Board of Treasury to take order. See July 9, 1788.

³ *Papers of the Continental Congress*, No. 27, pp. 351-353, in the writing of Mr. John Eager Howard. Read July 18, 1788. See July 14, 22 and 25, 1788.

from the seventh day of August 1786; and also the further sum of two hundred dollars per annum for his services in the Quarter Master General's department, to be computed from the date of the abolition of the said department.

[Report of Board of Treasury on memorial of S. Townsend ¹]

The Board of Treasury to whom was referred the Memorial of Samuel Townshend late an Assistant Commissary of Purchases

Beg leave to Report to Congress

That on an investigation of the facts set forth in the said Memorial, they find the same justly stated, so far as it relates to the transaction with M^r Philip Leake.

That, however, in stating the Amount due to M^r Leake, there appears an error in twice charging the sum of Nine pounds five shillings paid for costs of Suit; the actual sum due to M^r Leake on the 31st day of August 1782, being £ 84..1..4 NY.Cur^y for which he on that day received the Bond of the Memorialist.

That on the 18th of July 1785, when this Bond appears to have been paid by Virtue of an Execution obtained against the Memorialist, it amounted to £ 100..18..5 N.Yk. Curr^y which sum, together with the Interest accruing thereon from the date last mentioned, is the whole which the Memorialist has a right to Claim of the United States.

Whereupon the Board submit to the consi[der]ation of Congress the following Resolve:

That there be past to the Credit of Samuel Townshend in the Books of the Treasury the sum of Two hundred and fifty two Dollars and ²/₁₀ths. being the amount of sundry supplies by him procured for the United States whilst acting as an Assist^t Commissary, including costs of suit attend a prosecution for the recovery of the same; and that a Certificate issue for the amount bearing Interest from the 18th of July 1785.

All of which is humbly submitted.

July 18th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 138, II, pp. 451-453, read July 18, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 575. See June 12, 1788.

[Report of Board of Treasury on memorial of Joseph Hubley ¹]

The Board of Treasury to whom was referred the Memorial ² of Joseph Hubley of the County of Lancaster,

Beg leave to Report

That it appears by a Certificate of William Augustus Atlee Dep^y Commissary Gen^l of Prisoners at Lancaster, in the State of Pennsylvania, that the said Joseph Hubley was, on the 18th of May 1781 appointed his Assistant to take charge of the Prisoners at Lancaster, in consequence of instructions given to the said William Atlee by Abraham Skinner at that time Commissary General of Prisoners.

That it appears by M^r Skinner's letters to M^r Atlee of the 5th May, and 20th August 1781 (accompanying this Memorial), that he conceived the necessity of the case would justify the appointment of M^r Hubley; that he had communicated it to a Committee of Congress, having then under consideration the Department of the Commissary General of Prisoners; and that they approved of the same.

That the Memorialist sets forth; that having exhibited his accounts for settlement to the proper Officers of the Treasury, the examining Clerk, and Auditor had reported: "That though it appeared that he had done the duty of an Assist^t Dep^y Commissary of Prisoners at Lancaster, yet that his pay for the same would not be admitted; the same not being warranted by any Resolve of Congress".

On examining the circumstances stated in the Memorial, the Board do not find by the Journals of Congress, any Resolve authorising or confirming the Appointment of the Memorialist; although the existence of Assist^t Dep^y Commissary's of Prisoners at the Posts of Lancaster, York and Reading, appear to have been known to Congress, by their Resolve ³ of the 3rd of July 1782; in which such Officers are specially mentioned, and made amenable to a Court Martial.

This circumstance confirms the assertion made by M^r Skinner, that the appointment of M^r Hubley, was known to a committee of Con-

¹ *Papers of the Continental Congress*, No. 19, III, pp. 213-217, read July 18 and passed July 22, 1788.

² *Papers of the Continental Congress*, No. 41, IV, pp. 350-351. Dated June 29 and read July 12, 1786. Supporting documents are on pp. 354 and 356. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 109, the memorial was referred on July 13, 1786, to the Board of Treasury to report. Report rendered July 18, 1788. The documents accompanying the report were returned to the memorialist September 27, 1788.

³ *Journals*, vol. XXII, p. 372.

[Report of Board of Treasury on memorial of Joseph Hubley ¹]

The Board of Treasury to whom was referred the Memorial ² of Joseph Hubley of the County of Lancaster,

Beg leave to Report

That it appears by a Certificate of William Augustus Atlee Dep^y Commissary Gen^l of Prisoners at Lancaster, in the State of Pennsylvania, that the said Joseph Hubley was, on the 18th of May 1781 appointed his Assistant to take charge of the Prisoners at Lancaster, in consequence of instructions given to the said William Atlee by Abraham Skinner at that time Commissary General of Prisoners.

That it appears by M^r Skinner's letters to M^r Atlee of the 5th May, and 20th August 1781 (accompanying this Memorial), that he conceived the necessity of the case would justify the appointment of M^r Hubley; that he had communicated it to a Committee of Congress, having then under consideration the Department of the Commissary General of Prisoners; and that they approved of the same.

That the Memorialist sets forth; that having exhibited his accounts for settlement to the proper Officers of the Treasury, the examining Clerk, and Auditor had reported: "That though it appeared that he had done the duty of an Assist^t Dep^y Commissary of Prisoners at Lancaster, yet that his pay for the same would not be admitted; the same not being warranted by any Resolve of Congress".

On examining the circumstances stated in the Memorial, the Board do not find by the Journals of Congress, any Resolve authorising or confirming the Appointment of the Memorialist; although the existence of Assist^t Dep^y Commissary's of Prisoners at the Posts of Lancaster, York and Reading, appear to have been known to Congress, by their Resolve ³ of the 3rd of July 1782; in which such Officers are specially mentioned, and made amenable to a Court Martial.

This circumstance confirms the assertion made by M^r Skinner, that the appointment of M^r Hubley, was known to a committee of Con-

¹ *Papers of the Continental Congress*, No. 19, III, pp. 213-217, read July 18 and passed July 22, 1788.

² *Papers of the Continental Congress*, No. 41, IV, pp. 350-351. Dated June 29 and read July 12, 1786. Supporting documents are on pp. 354 and 356. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 109, the memorial was referred on July 13, 1786, to the Board of Treasury to report. Report rendered July 18, 1788. The documents accompanying the report were returned to the memorialist September 27, 1788.

³ *Journals*, vol. XXII, p. 372.

gress; and for this reason, and because he appears in fact to have discharged the duties of that Office, The Board are of opinion, that an equitable compensation should be made to him.

From the duties incident to the Department in which M^r Hubley acted; the Pay and Rations of a Captain in the Army of the United States, with forage for one horse, (being what the Memorialist has asked) does not in their opinion appear unreasonable, they submit therefore, for the relief of the Memorialist, the following Resolve Viz^t

That in the settlement of the account of Joseph Hubley, acting during the War as an Assist^t Dep^y Commissary of Prisoners at the Post of Lancaster, he be allowed during the time of such service the Pay and Rations of a Captain in the Army; with the usual allowance of Forage-Money for one horse.

All which is humbly Submitted.

July 17th, 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Secretary at War on letter of Col. J. Martin ¹]

The Secretary at War to whom was referred a letter ² from Colonel J Martin dated June 15, 1788 respecting the Cherokee indians Reports

That it appears by former evidence submitted to Congress as well as by the letter of the 15th of June last from colonel J Martin that the white inhabitants on the frontiers of North Carolina in the vicinity of Chota on the Tennessee river, have frequently committed the most unprovoked and direct outrages against the Cherokee indians.

That this unworthy conduct is an open violation of the treaty of peace made by the United States with the said indians at Hopewell on the Keowee the 30th of November 1785.

That the said enormities have arisen at length to such an height as to amount to an actual although informal war of the said white inhabitants against the said Cherokees.

¹ *Papers of the Continental Congress*, No. 151, pp. 351-356, read July 18, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 199, the report was referred to a Committee consisting of Mr. Nathan Dane, Mr. James Madison, Mr. Abraham Clark, Mr. William Irvine and Mr. Egbert Benson, which reported July 30, 1788. See September 1, 1788.

² See July 8 and 9, 1788.

That the unjustifiable conduct of the said inhabitants has most probably been dictated by the avaricious desire of obtaining the fertile lands possessed by the said indians of which and particularly of their ancient town of Chota they are exceedingly tenacious.

That your Secretary is aware of the entanglements of this business by the opinions which have been entertained by some of the former legislatures of North Carolina. But he apprehends that the subject is so changed by the violent claims of the people within the district styled the state of Franklin that the state of North Carolina would not be disposed to object to any equitable interference of Congress to fulfill the said treaty so far as to oblige all persons to remove from the limits assigned by the treaty who have not fairly purchased the lands of the indians.

That waving the consideration of any obstructions on the part of North Carolina your secretary humbly conceives that by an upright and honorable construction of the treaty of Hopewell the United States have pledged themselves for the protection of the said indians within the boundaries described by the said treaty and that the principles of good Faith sound policy and every respect which a nation, owes to its own reputation and dignity require if the union possess sufficient power that it be exerted to enforce a due observance of the said treaty.

That in order to vindicate the sovereignty of the Union from reproach, your secretary is of opinion, that, the sentiments, and decision, of Congress should be fully expressed to the said white inhabitants, who have so flagitiously stained the American name.

That the agent of indian affairs should disperse among the said people a proclamation to be issued by Congress on the subject. That the said proclamation should recite such parts of said treaty as are obligatory on the Union and a declaration of the firm determination of Congress to enforce the same. That all persons who have settled on any of the said lands unless the same shall have been fairly purchased of the said indians shall be warned at their peril to depart previously to a day to be affixed.

That in order to carry efficiently into effect the determinations of Congress the commanding officer of the troops on the Ohio should be directed to make himself acquainted of the best routes by which a body of three hundred men could be transported most easily and expeditiously to Chota on the Tennessee river, and report the same to the secretary at war.

That in case the Proclamation of Congress should be attended with no effect that the said commanding officer should be directed to move as early in the spring of the next year as the season should admit with a body of three hundred troops to Chota and there to act according to the special instructions he shall receive from the Secretary at War.

That a particular statement of the whole business be made to the Executive of North Carolina and to request a concurrence with the arrangement.

Your Secretary begs leave to observe that he is utterly at a loss to devise any other mode of correcting effectually the evils specified than the one herein proposed. That he conceives it of the highest importance to the peace of the frontiers that all the indian tribes should rely with security on the treaties they have made or shall make with the United States. That unless this shall be the case the powerful tribes of the Creeks Choctaws and Chickesaws will be able to keep the frontiers of the southern states constantly embroiled with hostilities, and that all the other tribes will have good grounds not only according to their own opinions but according to the impartial judgements of the civilized part of the human race for waging perpetual war against the citizens of the United States.

All which is humbly submitted to Congress.

H KNOX

WAR OFFICE July 18, 1788.

[Letter of Secretary at War on Indian affairs¹]

WAR-OFFICE, 18th July 1788.

SIR: I have the honor to transmit to your Excellency, the copy of a letter from the Governor of the Western territory, dated at Fort Pitt the 5th of July 1788, together with some information from Mess^{rs} Rankin and Wilson.

Conceiving it of great importance that the Governor should have, as early as possible, the Act of Congress of July 2nd 1788, I forwarded it to him by express, and most probably he is at this time in possession of it.

I have also enclosed the copy of a letter to Colonel Joseph Martin, informing him of his appointment as Indian Agent to the Cherokees, which he has most probably received, as His Excellency the Governor

¹ *Papers of the Continental Congress*, No. 150, III, p. 489, read July 18, 1788. The enclosed papers are on pp. 493-507.

of Virginia, to whom it was enclosed, has informed me in a letter of the 3rd instant, that the packet to Colonel Martin had been received, and forwarded by a safe, and direct opportunity.

I have the honor to be, etc.,

H KNOX ¹

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, JULY 21, 1788.

Congress assembled. Present New hampshire Massachusetts Rhode island Connecticut New York Pensylvania Delaware, Maryland, Virginia, North Carolina and Georgia and from New Jersey M^r [Jonathan] Elmer and from South Carolina M^r [Thomas Tudor] Tucker.

[Report of committee on War department ²]

The committee consisting of M^r [John Eager] Howard, M^r [William] Few, M^r [Jonathan] Dayton M^r [Nicholas] Gilman and M^r [Edward] Carrington appointed to make full enquiry into the proceedings in the department of war beg leave to report as follows

A summary statement of the various branches of the department of war.

First Of the troops in service of the United States.

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Second Of the Clothing for the Troops.

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¹ JULY 18, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 200, the following committee was appointed:

Mr. William Few, Mr. Abraham Clark and Mr. Jeremiah Wadsworth on the report of the Board of Treasury on the memorial of Robert Walton. See May 30 and July 16, 1788. The report of the committee was rendered July 25 and acted on July 28, 1788.

² *Papers of the Continental Congress*, No. 27, pp. 365-409, in the writing of a clerk. Read July 21, 1788. The committee was given leave to take back the report on September 30, 1788. See October 2, 1788, where the report as amended is entered in the *Journal*. At this point only the section headings and such parts of the original report as were modified are printed. See also July 7, 1788.

3^d Of the Pay of the Troops

4th Of the Stations occupied by the Troops on the frontiers

5th Of the Discipline of the Troops

The discipline of the troops, and particularly the soldierly and habitual vigilance necessary to be observed have been inculcated and enforced, in the strongest terms; as also have been, the oeconomy essential to the various staff departments.

6th Of the Mode in which the Troops are furnished with provisions

7th Of the Quartermaster's department

There is no such officer as quarter master except the usual regimental quartermaster.

Instead of an officer of this description with his train of attendants, all supplies are furnished by the contractors of provision who have also from time to time contracted with the Secretary at War to furnish all necessary articles on the frontiers which shall be required for the troops on the following principles.

8th Of the Supplies to the Troops

9th Of the Ordnance department

The important circumstance of permanent arsenals and magazines demands the serious attention of the government of the United States. But as the expence will be great, of erecting suitable buildings for the purpose, the object must be deferred for the present.

About five thousand arms have been repaired at Westpoint and are fit for immediate service, about ten thousand more are worth being repaired and this necessary work of repairs, is in operation at

that post on a small scale. To employ the necessary number of workmen to effect the business in one year would be too expensive for the public finances. These arms would probably on an average cost about one dollar and an half each to put them in complete order. Between four and five thousand arms are in Virginia which require repairs.

The new arms in Philadelphia are in repair but want cleaning, the Secretary at War has been constrained to defer this operation, until a suitable building could be obtained, or an arsenal erected, in which so to deposit them that they can be kept easily in order.

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10th Of West Point on Hudson's river

This post has been considered of so much importance to remain in possession of the United States that Congress by their resolve¹ of the 3^d August 1786 directed that the same should be purchased of the proprietor, by the Board of Treasury, but which has not been effected owing to the absence of the said proprietor.

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11th Of the Canadian Refugees

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12th Of the Indian department

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13 Of the Invalids

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14 Of the Army Lands

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15 Of the War Office

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Your committee also beg leave to observe that great care appears to have been taken by the Secretary to reduce the expences of his office by his dispensing with the office of Assistant Secretary formerly attached to the department and which has never been annulled by Congress.

¹ *Journals*, vol. XXXI, p. 467.

Your Committee further beg leave to give it as their opinion that the salary at present allowed to the Secretary is not adequate to the duties required of and performed by him, and they are also of opinion that the sums appropriated for the expences of the department might be disposed of at his discretion so as to procure the execution of the business more to the public benefit than under the present arrangement.

He now employs three clerks at four hundred and fifty dollars each, the resolves of Congress not allowing more to be given to one of any description. This allowance being too small to engage the best the public is consequently cut off from the services of men of that description and cause the necessity of employing greater numbers to execute the same work.

Your Committee are therefore of opinion that it would be best to allow the sum now expended on three clerks as an addition to the salary of the Secretary at War leaving him to procure the execution of the business and be answerable for the faithful performance thereof. And on the same footing your Committee think it would be best to place all the contingent expences of the department.

Your Committee are of opinion that this discretionary commission to the Secretary of the War department is peculiarly applicable to that office although it may not be thought so to any other because the duties are not only various but exceedingly fluctuating in their nature and extent.

Your Committee are of opinion from the view they have had of the duties of the Secretary at War and the faithful manner in which they are executed that he ought to receive for his own services three thousand dollars per annum to which the sum of one thousand six hundred and seventy six dollars the present annual expences of clerks and other contingencies being added the sum total will be four thousand six hundred and seventy six dollars.

Your Committee therefore submit the following Resolution

Resolved That from and after the date hereof the Secretary at War be allowed dollars per annum for his services including clerks wages and all contingencies of the office; rent excepted.

[Report of Board of Treasury on petition of Jacobus and John Demerest and P. Bogart ¹]

The Board of Treasury to whom was referred the Memorial of Jacobus Demerest, John Demerest and Peter Bogert,

Beg leave to Report to Congress,

That the Office of the Treasury is open for the reception of all Claims, against the United States 'till the 23^d of the present Month.

That although the Memorialists may not from the circumstances they have mentioned, be able to produce at present the original Certificates in proof of their Claims against the United States, yet that the same must necessarily appear in the Accounts of M^r Aaron Forman (should the Vouchers they mentioned have been delivered to him) whenever the same are exhibited for settlement.

In order therefore to secure to the Memorialists a right to the settlement of their respective Claims, whenever the original Vouchers are produced, the Board have directed an Authenticated Copy of their Memorial to be filed with the Accountant of the Treasury.

All which is humbly submitted

July 19th 1788.

SAMUEL OSGOOD

WALTER LIVINGSTON

ARTHUR LEE

TUESDAY, JULY 22, 1788.

Congress assembled present Newhampshire Massachusetts, Rhodeisland, Connecticut, New York New Jersey Pennsylvania, Delaware, Maryland Virginia South Carolina and Georgia The thirteen States.

On a report² of the board of treasury to whom was referred a memorial of Joseph Hubley

Resolved That in the settlement of the account of Joseph Hubley acting during the war as an assistant deputy commissary of prisoners at the post of Lancaster he be allowed during the time of such service the pay and rations of a captain in the army, with the usual allowance of forage money for one horse.

¹ *Papers of the Continental Congress*, No. 138, I, pp. 279-280, read July 21, 1788. See January 22 and February 11, 1788.

² See July 18, 1788.

On the report of a The com^{ee} ¹ consisting of Mr [James R.] Reid, Mr [Samuel Allyne] Otis Mr [Pierpont] Edwards Mr [Hugh] Williamson and Mr [Abraham] Clark to whom was referred a memorial² of Udney Hay having reported³ That on examining the memorial and other papers accompanying the same they find that Congress by their resolution⁴ of the 10th of May 1781 did refer the claims of the memorialist to a board of Officers to be considered and determined upon, that the said claims agreeably to said resolution were considered and determined upon by a board of nine general Officers who reported that Udney Hay esq^r ought to enjoy the rank and emoluments of a retiring lieutenant colonel therefore,

Resolved ⁵ That Udney Hay be allowed one year's pay of a lieut. colonel retiring according to the act ⁶ of 24 Nov^r 1778.

[Motion of delegates of Pennsylvania respecting aid of continental troops ⁷]

Whereas Some alarming Disturbances have taken place in one of the Frontier Counties of the State of Pennsylvania, from a Number of lawless factious Persons, ~~who~~ havi[ng] armed themselves and embodied themselves for the purpose of opposing the Authority of the established Government, and whereas the Articles of Confederation provide for the Interposition of the Arms of the Union in favor of any State whenever such assistance may be required to repel any

¹ Appointed June 27, 1788.

² See June 12, and 16, 1788.

³ See July 1, 1788.

⁴ *Journals*, vol. XX, p. 492.

⁵ This resolve was made upon a motion which is in *Papers of the Continental Congress*, No. 19, III, p. 139 1/2, in the writing of Mr. Thomas Tudor Tucker.

⁶ *Journals*, Vol. XII, p. 1156-1157.

⁷ *Papers of the Continental Congress*, No. 20, II, p. 189, in the writing of Mr. William Bingham. The letter of P. Muhlenburg to the Delegates of Pennsylvania, July 18, 1788, giving instructions regarding this subject, is in *Papers of the Continental Congress*, No. 69, II, p. 561. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 200, the motion was referred to a committee consisting of Mr. Abraham Clark, Mr. Pierpont Edwards and Mr. William Irvine. Report rendered July 24, and acted on July 25, 1788.

force offered to, or attacks made upon Such State on any pretence whatsoever, and whereas a Number of Troops in the Service of the United States will Soon be on their March towards the Western Country, and be in the Vicinity of the County where the Insurrection has taken place, and whereas the Delegates of the State of Pennsylvania are instructed by the Supreme Executive Council, to request that Congress would permit these Troops to aid the authority of that State to Suppress the said Insurrection, Therefore

Resolved, that the Secretary at War take order to direct the Destination of those Troops in the most effectual Manner, to render Such Assistance as the State of Pennsylvania may require and Stand in Need of.

[Report of Board of Treasury on memorial of Sarah Greaton ¹]

The Board of Treasury to whom was referred a Memorial ² of Sarah Greaton Widow of the late Brigadier General Greaton

Beg leave to submit for the information of Congress a Copy of a Letter of this date from the Secretary at War on the subject of Mr^s Greaton's Application.

As it appears from this letter that there are no peculiar circumstances, attending this case which would render it adviseable to establish a precedent, involving evils of great and complicated extent; The Board are of Opinion,

That it would not be proper to comply with the Object of the Memorial.

All of which is humbly submitted.

July 19th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 138, I, pp. 565-566, read July 22, 1788. The copy of the letter of the Secretary at War is on p. 567-568. The covering letter of the Board, also read, is on p. 571.

² *Papers of the Continental Congress*, No. 41, III, p. 546, dated October 22 and read November 3, 1785. Referred to the Board of Treasury to report. See *Journals*, Vol. XXIX, p. 870n.

[Letter of Board of Treasury respecting reservation of Presque Isle ¹]

BOARD OF TREASURY

July 19th 1788.

SIR: We have the honor of submitting to the consideration of Congress, copies of two letters, which have past betwixt this Board, and the Sec^y at War, on the subject of the Resolve of Congress of the 6th of June 1788, authorising the Commissioners of the Treasury to make sale of a Tract of Land bounding on Lake Erie.

Should Congress be of opinion that the reservations suggested by General Knox, are expedient, the Board request their directions on the subject, previous to their concluding any Contract in pursuance of the Act above referred to.

We have the honor to be, etc.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE ²

His Excellency

THE PRESIDENT OF CONGRESS

¹ *Papers of the Continental Congress*, No. 139, p. 693-694, read July 22, 1788. Copies of the enclosed letters are on pp. 713-714 and 717-719. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 200, the letter and enclosures were referred to a committee consisting of Mr. William Irvine, Mr. Nathan Dane and Mr. John Eager Howard. Mr. Howard was replaced by Mr. Abraham Baldwin on July 28, 1788. Report rendered July 30, 1788. See August 20, 1788.

² JULY 22, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 200, the following committee was appointed:

Mr. Nathan Dane, Mr. Hugh Williamson, and Mr. Abraham Clark, on the report of the Board of Treasury on the memorial of Jonathan Trumbull. See *Journals*, vol. XXIX, pp. 619, 622n., 892-893. Report rendered July 25 and acted on July 28, 1788.

Also according to the *Committee Book*, was referred to the Committee of July 7, 1788 on the War Department:

Their report on Mr. Edward's motion, respecting the allowance to the Secretary at War (see July 14, 1788), and the last part of their report on the War Department, dealing with salary and allowances. (See July 18, 1788) Report rendered July 25, 1788.

According to indorsement and the *Committee Book*, was referred to the Board of Treasury to report:

Memorial of Samuel Montgomery respecting payment of certain accounts. *Papers of the Continental Congress*, No. 41, VI, pp. 518-519, read July 22, 1788. An accompanying account is on p. 522. Report rendered July 30 (July 28 according to the *Committee Book*) and acted on August 21, 1788.

THURSDAY, JULY 24, 1788.

Congress assembled. Present New Hampshire Massachusetts Rhode island Connecticut New York New Jersey Pennsylvania, Maryland, Virginia, North Carolina South Carolina and Georgia.

[Report of committee on motion of delegates of Pennsylvania¹]

The Committee consisting of [Mr. Abraham Clark, Mr. Pierpont Edwards and Mr. William Irvine] to whom was referred a Motion of the Hon. the Delegates of Pennsylvania pursuant to instructions by them rec^d from the Executive Council of said State to apply to Congress, that if it should be found necessary by that State Government, the Continental Troops under Marching orders from Connecticut and New Jersey to the Westward by the rout of Easton in Pennsylvania, may be ordered to proceed from thence to Luzerne County and remain there untill the disturbances now existing in that County are Settled.

Your Com^e having enquired into the grounds on which the motion to them referred is founded, find, that a number of the Inhabitants of the County of Luzerne, contrary to their Allegiance to, and in defiance of the authority of the State, have Assembled in Arms and Committed An Act of Outrage upon an Officer of the State residing in that county. The reasons inducing those rioters to this violation of the Laws are unknown to your committee; ~~be these what they may,~~ [But whatever they may be] as the number of the rioters does not appear to be great, or ~~their power any way formidable beyond the power of the State~~ [such as State are incompetent] to Suppress in a constitutional way by calling out a small part of ~~their~~ [its] Militia, the interference of the United States cannot with propriety be requested. Notwithstanding which, as a body of Continental Troops are soon to March to the Westward by the way of Easton, and as the State of Pennsylvania have not at present any troops in readiness to Suppress the riots in Luzerne, it may not be improper for the said Continental troops to halt a Short time at Easton to be employed if necessary in quelling the disturbances in Luzerne untill the State can provide troops for that purpose.

¹ *Papers of the Continental Congress*, No. 20, II, pp. 187-188, in the writing of Mr. Abraham Clark. Read July 24, and acted on July 25, 1788. See July 22, 1788.

Whereupon the following resolution is Submitted.

That the Secretary at War direct the detachment of Troops marching to the Westward to Rendezvous at Easton in Pennsylv^a and from thence march into the County of Luzerne for ~~quieting~~ quelling the disturbances in that county, provided the Executive Council of Pennsylv^a shall find the assistance of those troops necessary; provided also that the said troops shall not be delayed in their march to the Ohio more than two weeks.

FRIDAY, JULY 25, 1788.

Congress assembled present New Hampshire, Massachusetts Connecticut New York New Jersey Pennsylvania Delaware Maryland Virginia North Carolina, South Carolina and Georgia and from Rhode island M^r [Peleg] Arnold.

The com^{ee} consisting of M^r [Abraham] Clark M^r [Pierpont] Edwards and M^r [William] Irvine to whom was referred a motion¹ of the delegates of Pennsylvania, in pursuance of Instructions from the Supreme executive council of the said state having reported ² thereon and the following proposition being under debate viz That the sec^y at war direct the detachment of troops marching to the westward to rendezvous at Easton in Pennsylvania and from thence march into the county of Luzerne for quelling the disturbances in that county provided the executive council of Pennsylvania shall find the assistance of those troops necessary, provided also that the said troops shall not be delayed in the march to the Ohio more than two weeks.

~~A motion was made~~ The previous question was moved by the State of Virginia seconded by the State Massachusetts, that the main question be not now put and on the question

¹ See July 22, 1788.

² See July 24, 1788.

Whereupon the following resolution is Submitted.

That the Secretary at War direct the detachment of Troops marching to the Westward to Rendezvous at Easton in Pennsylv^a and from thence march into the County of Luzerne for ~~quieting~~ quelling the disturbances in that county, provided the Executive Council of Pennsylv^a shall find the assistance of those troops necessary; provided also that the said troops shall not be delayed in their march to the Ohio more than two weeks.

FRIDAY, JULY 25, 1788.

Congress assembled present New Hampshire, Massachusetts Connecticut New York New Jersey Pennsylvania Delaware Maryland Virginia North Carolina, South Carolina and Georgia and from Rhode island M^r [Peleg] Arnold.

The com^{ee} consisting of M^r [Abraham] Clark M^r [Pierpont] Edwards and M^r [William] Irvine to whom was referred a motion¹ of the delegates of Pennsylvania, in pursuance of Instructions from the Supreme executive council of the said state having reported ² thereon and the following proposition being under debate viz That the sec^y at war direct the detachment of troops marching to the westward to rendezvous at Easton in Pennsylvania and from thence march into the county of Luzerne for quelling the disturbances in that county provided the executive council of Pennsylvania shall find the assistance of those troops necessary, provided also that the said troops shall not be delayed in the march to the Ohio more than two weeks.

~~A motion was made~~ The previous question was moved by the State of Virginia seconded by the State Massachusetts, that the main question be not now put and on the question

¹ See July 22, 1788.

² See July 24, 1788.

to agree to the previous question the yeas and nays being required by M^r [William] Irvine

<i>New hampshire</i>				<i>Deleware</i>					
M ^r Gilman	no	}	no	M ^r Kearny	no	}	no		
M ^r Wingate	no			M ^r Mitchel	no				
<i>Massachusetts</i>				<i>Maryland</i>					
M ^r Dane	ay	}	ay	M ^r Seney	no	}	ay		
M ^r Otis	ay			M ^r Contee	ay				
<i>Rhode island</i>				M ^r Ross	ay				
M ^r Arnold	ay	}		<i>Virginia</i>					
<i>Connecticut</i>				M ^r Griffin	no	}	ay		
M ^r Huntington	ay	}	ay	M ^r Madison	ay				
M ^r Wadsworth	ay			M ^r Carrington	ay				
M ^r Edwards	no			<i>North Carolina</i>					
<i>New York</i>				M ^r Swann	ay	}			
M ^r L'Hommedieu	ay	}	ay	<i>South Carolina</i>					
M ^r Benson	ay			M ^r Huger	no	}	d		
M ^r Yates	ay			M ^r Tucker	ay				
<i>New Jersey</i>				<i>Georgia</i>					
M ^r Clarke	no	}	no	M ^r Few	no	}	no		
M ^r Elmer	ay			M ^r Baldwin	no				
M ^r Dayton	no								
<i>Pensylvania</i>									
M ^r Irvine	no	}	no						
M ^r Bingham	no								
M ^r Reid	no								

¹ So the question was lost.

² On the question to agree to the main question the yeas and nays being required by M^r [William] Irvine

¹ The following sentence was entered by John Fisher.

² Charles Thomson continues the entry.

New Hampshire

M ^r Gilman	ay	} ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	no	} no
M ^r Otis	no	

Rhode- Island

M ^r Arnold	no	*
-----------------------	----	---

Connecticut

M ^r Huntington	ay	} ay
M ^r Wadsworth	no	
M ^r Edwards	ay	

New York

M ^r L'Hommedieu	no	} no
M ^r Benson	no	
M ^r Yates	no	

New Jersey

M ^r Clarke	ay	} ay
M ^r Elmer	ay	
M ^r Dayton	ay	

Pensylvania

M ^r Irvine	ay	} ay
M ^r Bingham	ay	
M ^r Reid	ay	

Delaware

M ^r Kearny	ay	} ay
M ^r Mitchel	ay	

Maryland

M ^r Seney	ay	} ay
M ^r Contee	ay	
M ^r Ross	no	

Virginia

M ^r Griffin	ay	} ay
M ^r Madison	no	
M ^r Carrington	ay	

North Carolina

M ^r Swann	no	*
----------------------	----	---

South Carolina

M ^r Huger	ay	} d
M ^r Tucker	no	

Georgia

M ^r Few	ay	} ay
M ^r Baldwin	ay	

So it was

Resolved ¹ That the Secretary at War direct the detachment of troops marching to the westward to rendezvous at Easton in Pensylvania and from thence march into the county of Luzerne for quelling the disturbances in that county, provided the executive council of Pensylvania shall find the assistance of those troops necessary provided also that the said troops shall not be delayed in their march to the Ohio more than two weeks.

¹ This resolve was entered by John Fisher, in *Western Territory, Papers of the Continental Congress*, No. 176, p. 55. See August 11, 1788.

[Report of committee on Salary and allowances of the Secretary at War ¹]

The Committee consisting of [Mr. John Eager Howard, Mr. William Few, Mr. Jonathan Dayton, Mr. Nicholas Gilman, and Mr. Edward Carrington] to whom were recommitted the report upon the War Office, and a report upon a motion of the Honble M^r [Pierpont] Edwards, beg leave to report the following Resolutions, Viz.

That from and after the passing hereof the Secretary at War be allowed the Sum of dollars per annum, in full for his sallary and for defraying all expences of Clerks and Contingencies of his Office, Rent excepted.

That the secretary at War be allowed for his services heretofore, the sum of dollars per Annum in addition to the sallary he has received, in consideration of ~~additional~~ an encrease of the duties of his Office, since the establishment thereof, to be computed from the 25th of July 1785.

[Report of committee on case of Baron von Steuben ²]

[Report of committee on memorial of J. Trumbull ³]

The Committee consisting of [Mr. Nathan Dane, Mr. Hugh Williamson and Mr. Abraham Clark] to whom was referred the report of the board of Treasury on the memorial of Jonathan Trumbull Jun^r Report

That M^r Trumbull, amongst other certificates for his public services, has a certificate for 1,752 Dol^s 52/90th issued to him for his services as Special Commissioner in settling the accounts of the late Commissary General Trumbull, that the appointment under which the services were performed for which the said Certificate was given may properly be considered as an appendage of the civil establishment; and that other persons for similar services have generally been

¹ *Papers of the Continental Congress*, No. 27, p. 349, in the writing of Mr. Edward Carrington. Read July 25, 1788. See July 14, 18 and 22, 1788.

² *Papers of the Continental Congress*, No. 19, V, pp. 497-502, in the writing of John Fisher. Read July 25, 1788. With slight verbal changes the report was entered in the *Journal* on August 25, 1788 and it is therefore not printed here. See June 4, July 7, 9, and September 11, 1788.

³ *Papers of the Continental Congress*, No. 19, VI, p. 93, in the writing of Mr. Nathan Dane. Read July 25 and passed July 28, 1788. See July 22, 1788.

paid in Specie pursuance of the Act¹ of Congress of the 2th of August 1781. Wherefore the Committee submit the following resolution.

That the board of Treasury cause the certificate given to M^r Jonathan Trumbull Commissioner for settling the accounts of the late Commissary General Trumbull, amounting to 1,732 53/90 Dollars to be cancelled, and that the said board take order for paying him the amount of the said certificate.

[Report of committee on petition of R. Walton ²]

The Committee consisting of [Mr. William Few, Mr. Abraham Clark, and Mr. Jeremiah Wadsworth] To whom was refered the Petition of Robert Walton setting forth that he had furnished the Southern army, for the use of Col^o Lees Legion, with a number of valuable Horses, for which he recieved a bill Drawn by General Greene on the State of Virginia which was protessed by the Executive of said State, and that he had been greatly injured by recieving no payment thereon.

Your Committee are of opinion that notwithstanding the extreme hardship of M^r Waltons case Congress cannot consistently with established regulations place him in a situation different from other Creditors of the United States; (and therefore recommend that the Board of Treasury be directed to liquidate the claims of Robert Walton for sixteen Horses furnished the Southern army agreeably to the valuation of said Horses on oath of any two Officers of Col^o Lees Legion at the time of Delivery and issue a Certificate in his favor for that sum including Interest from the first day of February 1781).

MONDAY, JULY 28, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York New Jersey Pensylvania Delaware Maryland Virginia North Carolina So Carolina and Georgia.

The Com^{ee} consisting of M^r [Edward] Carrington M^r [Pierpont] Edwards M^r [Abraham] Baldwin M^r [Samuel

¹ *Journals*, vol. XXI, p. 825.

² *Papers of the Continental Congress*, No. 19, VI, p. 147, in the writing of Mr. William Few. Read July 25 and passed July 28, 1788. See May 30 and July 18, 1788.

Allyne] Otis and M^r [Thomas Tudor] Tucker to whom were referred ¹ the acts of the several States which have been transmitted to Congress ratifying the constitution for the United States of America having reported ² an act for putting the said constitution into operation and the following paragraph having been debated and amended to read as follows

That the first Wednesday in January next be the day for appointing electors in the several States which have or shall before the said day have ratified the said constitution; that the first Wednesday in feb^r next be the day for the electors to assemble in their respective states and vote for a president and that the first Wednesday in March next be the time and the place for commencing proceedings under the said constitution.

A motion was made by M^r [Pierpont] Edwards seconded by M^r [Hugh] Williamson to fill the blank with "Philadelphia" and on the question to agree to this ~~amendment~~ the yeas and nays being required by M^r [Joshua] Seney

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Dane	no	}no
M ^r Otis	no	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	no	
M ^r Edwards	ay	

New York

M ^r L'Hommiedieu	no	}no
M ^r Benson	no	
M ^r Yates	no	

New Jersey

M ^r Clarke	no	}no
M ^r Elmer	ay	
M ^r Dayton	no	

Pensylvania

M ^r Irvine	ay	}ay
M ^r Bingham	ay	
M ^r Armstrong	ay	
M ^r Reid	ay	

Delaware

M ^r Kearny	no	}d
M ^r Mitchell	ay	

¹ See July 2, 1788.

² See July 8, 1788. See also July 14, 30, and September 13, 1788.

¹ OFFICE FOR FOREIGN AFFAIRS.12th March 1788.

The Secretary of the United States for the department of foreign Affairs to whom was referred a letter ² from Col. Smith of the 12th Sep^r last, with the papers that accompanied, Reports

That they contain a detail of occurrences and observations in the journey he made to Lisbon to deliver the letter of Congress to the Queen of Portugal. It appears from them that he was well received by the court of Madrid, and favored by the Minister with a polite and friendly letter of introduction to the spanish resident at Lisbon.

That he received particular marks of Attention from the Queen and her Minister for foreign Affairs, with whom he had much conversation respecting the treaty negotiating between that country and this.

That the Queen was not much pleased that she had not been noticed by Congress in the way that her friends and neighbouring Nations had.

That she was desirous of receiving a Minister from the United States, and of sending one to them of any rank or degree most agreeable to them; but she did not wish that only a Chargé des Affairs should be appointed.

That the Queen would rather negotiate for a Treaty at Lisbon than at London; and that this disposition rendered it probable that in such an event the obstacles which now retard it might be more easily removed.

¹ From this point to the end of the day the proceedings were entered by Roger Alden in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1695-1697. The last paragraph, which was referred, and the order were also entered by John Fisher, and attested by John Thomson in *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, p. 426.

² See February 5 and 12, and March 13, 1788.

Your Secretary thinks it adviseable for the United States to conclude a Treaty of commerce of limited duration with Portugal, and that a Minister Plenipotentiary should be sent to that Court in case adequate provision can be made for the expence.

He further reports, that the conduct of Col: Smith appears to him to have been proper; and therefore in his opinion that it would be well to permit Your Secretary to insert the following paragraph in the next letter which he may write to the Colonel,

“Your letter of the 12th Sep^r last together with the papers which accompanied it, have been communicated to Congress, and in obedience to their orders I have the pleasure of informing you that they are pleased with the manner in which you appear to have treated the affairs to which those dispatches relate.”

Ordered,¹ that the last paragraph of the above report be referred to the Secretary for foreign Affairs to take order.

[Report of Secretary at War on protection of Georgia frontier ²]

The Secretary of the United States for the department of War in obedience to the order of Congress of the 15th instant to report a plan for the protection of the frontier of Georgia agreeably to the principle of the resolve ³ of Congress of the 21st of July 1787.

Reports

That he conceives it is intended the protection to be afforded the State of Georgia should be complete, in case the Creek Indians should persist in refusing to enter into a treaty on reasonable terms and to comprehend all operations offensive as well as defensive that may be deemed necessary for the full accomplishment of the object.

¹ This order is noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 200.

² *Papers of the Continental Congress*, No. 151, pp. 359-366, read July 28, 1788. See July 15, 1788.

³ *Journals*, vol. XXXIII, p. 386.

That unless vigorous exertions be made in the first instance calculated to terminate effectually the contest in one campaign, the United States will hazard the event of being drawn into a tedious expensive and inglorious war.

That the strength of the Wabash Indians who were principally the object of the resolve of the 21st of July 1787, and the strength of the Creek Indians is very different. That the said Creeks are not only greatly superior in numbers but are more united, better regulated, and headed by a man whose talents appear to have fixed him in their confidence.

That your Secretary humbly apprehends the regular troops of the Union on the Ohio were considered as the basis of the before recited resolve of the 21st of July 1787. That the Militia intended to have been drawn forth were to have acted as auxiliaries to the said regular troops and that all the arrangements were to have been made under the direction of the commanding Officer of the said troops. That the case is widely different on the frontiers of Georgia no troops of the United States being there, nor is it easily practicable to remove any considerable body from the Ohio, were the measure expedient in other respects.

That this difference of circumstances will require a different and more extensive arrangement for the protection of the frontier of Georgia than any that were contemplated by the aforesaid resolve of the 21st of July 1787.

That the frontiers of Georgia may be protected either by a large body of militia detached from time to time, or by a Corps of troops regularly organized and enlisted for a certain period. That a consideration of the expence and irregularity of detachments of mere militia, compared with the œconomy and vigor of a corps of troops properly organized would evince the great superiority and advantage to be derived to the public by the adoption of the organized troops.

That from the view of the object your Secretary has been able to take he conceives that the only effectual mode of acting against the said Creeks in case they should persist in their hostilities would be by making an invasion of their country with a powerful body of well regulated troops always ready to combat and able to defeat any combination of force the said Creeks could oppose and to destroy their towns and provisions.

Your Secretary humbly conceives that any interference on the part of the United States with less force and energy would cherish the hostilities of the Creeks instead of extinguishing them.

That he conceives the operation herein stated would require an Army of two thousand eight hundred non commissioned officers and privates of the different species of troops to be raised for the term of nine months.

That the said troops should be commanded by one Major General and one Brigadier General to be appointed by Congress who should also appoint an Inspector and Quarter Master to said troops.

That the pay and emoluments of said Officers be fixed by Congress.

That the organization of the troops should be as follows

Three regiments of infantry of seven hundred each.

One regiment of Cavalry of five hundred and sixty.

One Corps of artillery of one hundred and forty.

That if Congress should approve of these numbers they might be apportioned as follows.

Georgia	one regiment of Infantry.	700	
	five companies of Cavalry 70 each.	350	
			1050
South Carolina	one regiment of Infantry.	700	
	two companies of Artillery of 70 each.	140	
			840
North Carolina	one regiment of Infantry.	700	
	three companies of Cavalry.	210	
			910
			8200

That all the regimental officers be appointed by the said States respectively according to the proportions to be specified by the Secretary at War.

That the said troops should be mustered and inspected in the manner to be directed by the Secretary at War, which musters should be considered as essential vouchers in the settlement of the accounts of the said troops.

That the said troops should be paid by the States in which they are respectively raised according to the rates of pay established for the troops of the United States.

That suitable clothing to the value of ten dollars be allowed each non commissioned officer and private who should enlist for the said term of nine months which with tents, the necessary camp equipage, and waggons or other means of transportation agreeably to the proportions to be specified by the Secretary at War should be furnished to the troops by the States in which they shall be raised.

That the States of North and South Carolina should also subsist their quotas respectively until their arrival at the place of rendezvous to be appointed by the commanding Officer.

That the rations and forage of said Army should be provided by contract by the said state of Georgia while acting within said state, and also for the quota's of North and South Carolina until they should return to the places of dismission within the said States respectively.

That the issues of the rations of provision and forage should be checked in the manner to be directed by the Secretary at War and for every ration of provision allowed accordingly the United States should be charged a sum not exceeding parts of a dollar, and for every ration of forage not exceeding parts of a dollar.

That the amount of the pay, transportation, and subsistence of said troops should be settled in the manner and forms to be previously established by the Board of Treasury and the same when completed should be passed to the credit of said states on the existing requisitions according to the amount they may have respectively furnished.

That as it is highly probable that the said States may be deficient in arms accoutrements and ammunition the same be furnish'd out of the arsenals of the United States and be transported by the Secretary at War by water to such ports within the said States as may be most convenient, and addressed to the executives of the same.

That ten pieces of light field Artillery with their necessary apparatus and a suitable quantity of ammunition be also transported by the Secretary at War to Savannah in Georgia for the purposes of the said expedition addressed to the Major General who may be appointed for the expedition.

That the expences of every species which would be incurred for the various objects of the said army for nine Months may be estimated at about four hundred and fifty thousand dollars.

All which is humbly submitted to Congress.

H KNOX

WAR OFFICE

July 26th 1788.

His Excellency THE PRESIDENT OF CONGRESS

[Report of Secretary at War on burned stores¹]

The Secretary of the United States for the Department of War to whom was referred his letter to Congress of the 19th of March last, respecting the Ordnance and Stores at Charlestown South Carolina.

Reports

That the Cannon and Stores the property of the United States, at Charlestown, do not require that a Store-keeper should be retained for the sole purpose of taking charge of the same.

That in the opinion of your Secretary the Governor of said State might be requested to direct the said property to be safely deposited, in the least expensive manner for the purposes of the United States and that the same should be delivered to the orders of Congress or the Secretary at War when demanded.

That a list of said Stores be made out and transmitted to the Governor, and on the receipt by the person empowered by him to receive the same, the person having charge at present of the said Stores on the part of the United States be discharged.

Agreeably to these Ideas your Secretary will take the liberty of writing a letter to his Excellency the Governor requesting his assistance in the business herein specified.

All which is humbly submitted to Congress.

H KNOX ²

WAR OFFICE

26th July 1788.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 151, pp. 369-370, read July 28, 1788. See March 20 and 24, 1788.

² JULY 28, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 200, the following committee was appointed:

Mr. Paine Wingate, Mr. Daniel Huger, and Mr. John Armstrong on the memorial of J. Story. This was a renewal of the committee of March 12, 1788. The committee reported September 5, 1788.

TUESDAY, JULY 29, 1788.

Congress assembled present as yesterday and from Rhode island Mr [Peleg] Arnold.

Mr [Samuel] Meredith¹ from Pennsylvania and Mr H[enry] Lee² from Virginia attended and ~~produced~~ delivered in their credentials.

WEDNESDAY, JULY 30, 1788.

Congress assembled present as yesterday.

The order of the day³ being called for and the paragraph which was under debate on Monday being read, a motion was made by Mr [Jonathan] Dayton seconded by Mr [Daniel] Huger to fill the blank with the word "the city of New York in the State of New York" thereupon a motion was made by Mr [Henry] Lee seconded by Mr [Abraham] Clarke in lieu of this to amend the paragraph so that the last clause be "and at such place as shall hereafter be appointed by Congress" and on the question to agree to this amendment of the paragraph, the yeas and nays being required by Mr [William] Bingham

¹ Original credentials, a printed form on parchment, indorsed as delivered July 28, 1788, in *Papers of the Continental Congress*, Pennsylvania Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 261, where the marginal note says "delivered July 29, 1788". Meredith's credentials are identical with those of William Bingham and are therefore not printed. See May 20, 1788.

² Original credentials, indorsed as delivered July 28, 1788, in *Papers of the Continental Congress*, Virginia Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 262, where the marginal note says "delivered July 29, 1788". Lee's credentials are identical with those of James Madison and are therefore not printed. See January 21, 1788.

³ The subject under discussion was the organization of the government under the Constitution. See July 8, 28, August 4 and September 13, 1788.

<i>New hampshire</i>			<i>Delaware</i>	
Mr Gilman	no	}d	Mr Kearny	no
Mr Wingate	ay		Mr Mitchell	no
<i>Massachusetts</i>			<i>Maryland</i>	
Mr Dane	ay	}ay	Mr Seney	no
Mr Otis	ay		Mr Contee	no
<i>Connecticut</i>			Mr Ross	no
Mr Huntington	no	}no	<i>Virginia</i>	
Mr Wadsworth	ay		Mr Griffin	no
Mr Edwards	no		Mr Madison	no
<i>New York</i>			Mr Carrington	no
Mr L'Hommedieu	ay	}ay	Mr Lee	ay
Mr Benson	ay		<i>North Carolina</i>	
Mr Hamilton	ay		Mr Williamson	no
Mr Yates	ay		Mr Swann	no
<i>New Jersey</i>			<i>South Carolina</i>	
Mr Clarke	ay	}ay	Mr Huger	ay
Mr Elmer	no		Mr Parker	ay
Mr Dayton	ay		Mr Tucker	no
<i>Pensylvania</i>			<i>Georgia</i>	
Mr Irvine	no	}no	Mr Few	no
Mr Meredith	no		Mr Baldwin	no
Mr Armstong	no			
Mr Bingham	no			
Mr Reid	no			

So it passed in the negative.

[Report of committee respecting Col. Martin's letters on Indian affairs ¹]

The Committee consisting of [Mr. Nathan Dane, Mr. James Madison, Mr. Abraham Clark, Mr. William Irvine and Mr. Egbert Benson] to whom was referred the report of the Secretary at war relative to certain Intrusions on the hunting grounds of the Cherokees, report

¹ *Papers of the Continental Congress*, no. 27, pp. 357-360, in the writing of Mr. Nathan Dane. Read July 30 and acted on September 1, 1788. See July 18, 1788. Certain portions of this report which were not incorporated in the adopted proclamation are struck out.

That by the articles of treaty concluded at Hopewell on the Keowee the 28th of November 1785 between the Commissioners of the United States on the one part, and the head men and warriors of all the Cherokees on the other it was, among other things, Stipulated that a certain boundary, particularly specified in the 4th article of the said treaty, should be the boundary between the said Cherokees and the Citizens of the United States within the limits thereof, and that the lands Westward and Southward of the said boundary should be allotted to the said Indians for their hunting grounds, and that by other articles in the same treaty the United States engaged that if their Citizens shall ~~not~~ intrude ~~of~~ on the said hunting grounds of the Cherokees, they shall forfeit the protection of the United States and be liable to be punished by the said Cherokees as they please, and they also engaged that murders, robberies and other capital crimes committed by their Citizens upon the said Indians shall be duly punished in the manner pointed out in the said treaty.

That it appears by evidence at sundry times produced, that the Inhabitants on the Frontiers of North Carolina in the vicinity of Chota on the Tennessee river have frequently committed the most unprovoked and direct outrages against the said Cherokees, in open violation of the said treaty.

In the present situation of affairs in that part of the United States, the Committee are of opinion that Congress ought to interpose and put a Stop to those outrages, and the hostile proceedings which have taken place between the said Inhabitants and the said Indians and to enforce a due observance of the said treaty, and to this end the Committee are of opinion that a proclamation ought to be issued by Congress in the form following to wit.

Whereas by the Articles of Confederation and perpetual Union the United States in Congress assembled have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State within its own limits be not infringed or violated, and whereas the United States in Congress, by their Commissioners duly appointed and authorised, did on the 28th day of November 1785 at Hopewell on the Keowee conclude articles of a Treaty with all the Cherokees, and among other things stipulated and engaged by article 4th that the boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the

Citizens of the United States, within the limits of the United States of America, is, and shall be the following. Viz. beginning at the mouth of Duck river on the Tennessee, thence running North East, to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence Eastwardly along the said ridge to a North East line to be run, which shall Strike the river Cumberland forty five miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river; thence to Campbell's line, near Cumberland gap; thence to the mouth of Cloud's creek on Holstein; thence to the Chimney top mountain; thence to Camp creek, near the mouth of big Limestone, on Nolichucky; thence a Southerly Course six miles to a mountain; thence South to the North Carolina line; thence to the South Carolina Indian boundary, and along the same South West over the top of the Oconee mountain till it shall Strike Tugalo river; thence a direct line to the top of the Currohee mountain; thence to the head of the South fork of Oconee river", and by article 5th that "if any Citizen of the United States, or other person not being an Indian, should attempt to settle on any of the lands Westward or Southward of the said boundary which were allotted to the Indians for their hunting grounds, ~~and~~ or having settled previously to concluding the said treaty and not removing from the same within six months after the ratification of the said treaty (which was ratified April 17th 1786) such person should forfeit the protection of the United States, and that the Indians might punish him or not as they please, provided that the said 5th article should not extend to the people settled between the fork of French Broad, and Holstein rivers, whose particular situation should be transmitted to the United States in Congress assembled for their decision thereon, which the Indians agreed to abide by".

And whereas it has been represented to Congress that several disorderly persons settled on the frontiers of North Carolina in the vicinity of Chota have in open violation of the said Treaty made intrusions upon the said Indian hunting grounds, and committed many unprovoked outrages upon the said Cherokees who by the said treaty have put themselves under the protection of the United States and are justly entitled thereto which proceedings are highly injurious and disrespectful to the authority of the union; and it being the firm determination of Congress to protect the said Cherokees in

their rights and lawful possessions *according to the true intent and meaning of the said Treaty*, the United States in Congress assembled have, therefore, thought fit to issue and do hereby issue this their proclamation Strickly forbidding all such unwarrantable intrusions and hostile proceedings against the said Cherokees, and enjoining all those who have settled upon the said hunting grounds of the said Cherokees, or have remained there in violation of the said treaty to depart with their families and effects, without loss of time, as they shall answer their disobedience to the injunctions and prohibitions expressed in this proclamation at their peril.

Resolved that the Secretary at war be directed to have a sufficient number of the troops in the service of the United States in readiness to march from the Ohio to the protection of the Cherokees whenever Congress shall direct the same, and that he take measures for obtaining information of the best routes for troops to march from the Ohio to Chota, and for dispersing among all the White Inhabitants settled upon, or in the vicinity of the hunting grounds ~~of~~ secured to the Cherokees by the treaty concluded between them and the United States November 28th 1785, the proclamation of Congress of this date.

Resolved that copies of the said proclamation and of the[se] foregoing resolutions be transmitted to the executives of Virginia and North Carolina, and that the said States be requested to use their influence that the said proclamation may have its intended effect to restore peace and harmony between the Citizens of the United States and the Cherokees and to prevent any further invasions of their respective rights and possessions, and in Case Congress shall find it necessary to order troops to the Cherokee towns to enforce a due observance of the said treaty that the said States be requested to cooperate with the said troops for enforcing such observance of that treaty.

[Report of committee on memorial of G. Morgan ¹]

The Committee consisting of [Mr. Hugh Williamson, Mr. Samuel Allyne Otis, and Mr. Abraham Baldwin] To whom was referred a

¹ *Papers of the Continental Congress*, No. 19, IV, pp. 165-167, in the writing of Mr. Hugh Williamson. Read July 30, 1788. This is evidently the report of the committee of July 15, 1788, which according to the *Committee Book* also included Mr. Edward Carrington and Mr. Joshua Seney. This report was recommitted on August 11 and reported again August 12, 1788. See June 25, July 1 and 8, August 15 and 28, 1788.

Memorial of Geo Morgan in behalf of himself and his Associates and sundry Papers respecting the antient French Settlers on the Mississippi report that M^r Morgan is desirous that Congress should vary in sundry particulars both from the Terms proposed in the Act of the 20th of June last both as to the mode of Payment, the circumstance of Occupancy and limits of the Tract to be sold. It is also alledged that there is not a sufficient Quantity of Timber and arable Land on the low Grounds of the Mississippi to supply the antient french Settlers with such Donation Lands as Congress propose to reserve for their Benefit on which your Committee submit the following Resolves

That the Board of Treasury be authorised in contracting with George Morgan and his Associates or with any other Person or Persons for the sale of a Tract of Land on the River Mississippi to vary in the following particulars from the Terms proposed in the Act of the 20th of June last viz. The first Payment of 150,000 Dlsr shall be made on closing the Contract ~~on which the Right of Entry shall be given on so much Land as this Sum shall pay for.~~ The Remainder of the Price to be paid in seven equal Payments the first of which shall be paid whenever the Indian Title, if any such there is, shall be extinguished and the Tract surveyed by the proper Officer. The other six Payments to be made half yearly with Interest from the Time in which a Return of the Survey is made. On making the first Payment the Entry shall be permitted on so much Land as that Sum is equal to at the Price limited; ~~and~~ on making the second Payment a Deed shall issue for so much Land as may then be paid for, and other Deeds if required shall issue on making the several Payments; provided that it is previously stipulated on what Part the first Deed shall be laid and that all Deeds shall be for regular Tracts extending from the Mississippi to the Eastern Boundary of the general Purchase.

That in Case ~~it shall appear that~~ Mess^{rs} Flint and Parker shall not be ready to enter into ~~the~~ a Contract for purchasing a Tract of Land ~~as described on the Illinois River referred to in the Act~~¹ of Oct^r 22nd 1787 as soon as the Indian Title shall have been extinguished or within four Weeks of that Time, the Board of Treasury be authorised so far to extend the Limits of the Tract described in the Act of the 20th of

¹ *Journals*, vol. XXXIII, pp. 695-696.

June last as to make the Northern Boundary in the Parrallel of the mouth of the River au Beuff instead of Wood River.

That instead of the Three Parallelograms to be reserved according to the Act of 20th June ult for Donations to the antient Settlers on the West Side of a certain Ridge of Rocks, there shall be reserved ~~a similar~~ an equal Quantity of land for the same Use to be laid out in three Squares on the East Side of the said Ridge of Rocks and as near as may be to the Improvements belonging to the Villages of Kaskaskias la Prairie du Rochers and Kahokia.

That in Case there are any Improvements belonging to the Antient French Settlers without the general reserved Limits the same shall also be considered as reserved in the Sale now proposed to be made.

[Report of committee on reservation of Presque Isle ¹]

The Committee consisting of M^r [William] Irvine, M^r [Nathan] Dane and M^r [Abraham] Baldwin to Whom was Referred sundry letters of the Board of Treasury and Secretary at War, relative to reservations, for Military posts to be made in a tract of land bounding on Lake Erie, which, by a Resolution of the sixth of June last the Board are authorised to sell, Report that they do not find any reservations made in other tracts which have been sold or proposed to be sold, it having been taken for granted your Committee presume, that in the present state of the Western territory it is quite uncertain what places may hereafter be found most proper for Military posts, and that it is not probable that whenever the United States may deem it proper to occupy any place or places for this purpose they will find any difficulty, or great expence in obtaining the same. Your Committee are therefore of opinion it is not expedient to reserve any part or place in said tract.

[Report of Board of Treasury on memorial of S. Montgomery ²]

The Board of Treasury to whom was referred the Memorial of Samuel Montgomery,

Beg leave to Report to Congress

That the Account exhibited by the Memorialist, is stated to be due from the late Commissioners of Indian Affairs, appointed to hold the Treaty at Fort Stanwix.

¹ *Papers of the Continental Congress*, No. 30, p. 151, in the writing of Mr. William Irvine. Read July 30 and referred August 20, 1788. See July 22, 1788.

² *Papers of the Continental Congress*, No. 138, II, pp. 165-166, read July 30 and acted on August 21, 1788. See July 22, 1788.

That the Accounts of the said Commissioners have been regularly adjusted at the Treasury; and the Balance found due thereon, paid to the Order of General Butler, who presented the same.

That it is contrary to the established rules of the Treasury to settle with every Individual, who may have claims for services performed, or supplies furnished under public Officers, in consequence of a special Commission, rendering the said Officers accountable; and, therefore, that it would not be proper to deviate from it on the application of the Memorialist, admitting the merits of his claim, to be perfectly satisfactory, which is by no means the case.

The Board therefore submit to the consideration of Congress the following Resolve: "That the application of Samuel Montgomery, for the reimbursement of certain damages stated to have been sustained by him, while acting in the Department of Indian Affairs, be dismissed; the Memorialist having no claim against the United States."

All which is humbly Submitted.

July 29th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Board of Treasury on memorial of R. Stiles ¹]

The Board of Treasury to whom was referred the Memorial of Reuben Stiles,

Beg leave to lay before Congress, a copy of a Report from the Commissioner for settling accounts in the commissary Genl^s Department, on the subject of the claim referred to in the said Memorial.

From the circumstances stated in this Report, the Board concur in opinion, with the said Commissioner; that it would be improper to deviate in the case of the Memorialist, from the Act² of limitation of the 23^d July 1787.

All which is humbly Submitted.

July 28th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 138, II, p. 409, read July 30, 1788. An enclosure is on pp. 413-415. See May 5 and 6, 1788.

² *Journals*, vol. XXXIII, p. 392.

[Report of Board of Treasury on memorial of Col. A. W. White ¹]

The Board of Treasury to whom was referred the Memorial of Colonel Anthony W. White,

Beg leave to Report to Congress,

That the Memorialist solicits the reimbursement of two sums of Money, stated to have been advanced by him for the service of the United States, whilst he commanded the Cavalry in the Southern Department in the Year 1780.

The first being for one hundred and Fifty thousand Dollars old Emission Money, advanced to the Paymaster of his Regiment, for the purpose of procuring the Articles necessary for the support and comfort of the Troops under his command.

The second being for Twenty three thousand Dollars, paid to Lieu^t James Gunn, one of his Officers, for the purpose of recruiting; being part of a Sum of Money received by Col^o White of the State of Virginia; and which the Commissioner of Army Accounts, has not conceived himself authorised to pass to his Credit; for reasons stated in the said Memorial.

On the first article of this claim, the Board beg leave to observe, That although it appears by the acknowledgment of the Paymaster that he actually received the Sum stated by the Memorialist, to be expended agreeably to his instructions; yet that the said Paymaster has made a final settlement of his account without crediting the same.

That the only evidence produced for the expenditure of this Money for the service of the United States, is a certificate of M^r Benfield the Paymaster; which purports generally that it was expended for the public service; and that the Vouchers for the Supplies are said to have been given up to the Officers in the Staff Department, whose names are not mentioned, and who may have obtained Credit for these Supplies, in the settlement of their public accounts. Under such circumstances the Board are of opinion, that the final adjustment of this claim cannot be made, untill the receipt taken by the Paymaster from the Staff Officers, to whom the Vouchers are said to have been delivered, is produced, by which the public would be either enabled to check the Accounts of the Parties receiving the same; should the

¹ *Papers of the Continental Congress*, No. 138, II, pp. 507-510, read July 30 and referred to a committee August 25, 1788. See May 15 and September 8, 1788.

above Supplies be introduced in said accounts, or to demand the Vouchers. With respect to the second article:

The Board beg leave to Report

That the ass^t Comm^r of Army Accounts having ascertained that the claims of L^t Gunn, are not precluded from settlement in pursuance of the Resolve¹ of the 6th Septem^r 1786 (which was supposed to have been the case when the claim was first rejected;) they have directed a certificate to issue for the specie amount in favor of the Memorialist; with which the party, to whom the advance was made, will of course be chargeable.

All which is humbly Submitted.

July 30th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Secretary at War on claim of Gen. M. Hazen²]

The Secretary of the United States for the department of War to whom was referred the claim³ of Moses Hazen Esq^r late Brigadier General by brevet for the emoluments of the office of Brigadier General.

Reports.

That he has hitherto postponed bringing this case before Congress at the special request of the said Brigadier General Hazen.

But as all the information that could be expected has been received, the following summary statement is submitted.

That the sufferings and services of the said Brigadier General Hazen were particularly exhibited in the report of the Board of War on the 28th of June 1781, a copy⁴ of which is herewith enclosed. N^o 2.

That the opinion of Congress on the case of Brigadier General Hazen is evinced by their adopting the report of the Board of War, and promoting him to the rank of Brigadier General by brevet.

¹ *Journals*, vol. XXXI, p. 638.

² *Papers of the Continental Congress*, No. 151, pp. 373-376, read July 30, 1788.

³ *Papers of the Continental Congress*, No. 42, III, pp. 512-514, dated March 30 and read March 31, 1785. See *Journals*, vol. XXVIII-XXIX, *passim*.

⁴ *Papers of the Continental Congress*, No. 42, III, p. 524-526. The original report is in *Papers of the Continental Congress*, No. 147, V, pp. 441-443.

saving in that Department, and thereby rendered services to the United States, and thereupon submit the following Resolution.¹

FRIDAY, MAY 20, 1785.

Congress assembled. Present as yesterday.

Congress proceeded in the third reading of the Ordinance for ascertaining the mode of disposing of lands in the western territory, and the same being gone through, was passed as follows:

An Ordinance for ascertaining the mode of disposing of Lands in the Western Territory.

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

A surveyor from each state shall be appointed by Congress, or a committee of the States, who shall take an Oath for the faithful discharge of his duty, before the Geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain carrier, by the surveyor under whom he acts.

The Geographer, under whose direction the surveyors shall act, shall occasionally form such regulations for their conduct, as he shall deem necessary; and shall have authority to suspend them for misconduct in Office, and shall make report of the same to Congress, or to the Committee of the States; and he shall make report in case of sickness, death, or resignation of any surveyor.

The Surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circum-

¹ This report, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 19, III, folio 623. It was read this day, according to the indorsement, and the resolve, as recommended, passed verbatim June 13. Ludwick's memorial is in No. 41, V, folio 411.

That Brigadier General Hazen was discontented with his situation in the Army will appear by his statement ¹ to the Secretary at War, on the 8th of June 1782 which is herewith enclosed. N^o 3.

That the Secretary at War transmitted ² the said statement to Congress and expressed his hope that they would order a Brigadier Generals Commission to be issued to the said Brigadier General Hazen which would have involved fully the pay and emoluments incident thereto. N^o 4.

That it appears the said statement was referred to a committee of Congress which were discharged the 18th of November 1782 on their own report, and that no further proceedings were had on the case until the present memorial of the 31st of March 1785.

On this state of facts your Secretary remarks, that were this the first time the case of Brigadier General Hazen had been submitted to Congress, and were it all respects singular; The zeal and risk with which he entered the service of the United States; The advances of money he made to complete the regiment; The great length of time he continued a Colonel without promotion; His activity and services during the War; and the humiliation he repeatedly suffered of being superceeded by junior officers, arising from the system of State promotions, might induce your Secretary to report that the said Brigadier General Hazen be allowed the full emoluments appertaining to the Commission of Brigadier General.

But when it is considered that the said Brigadier General Hazen was perfectly informed of the nature of the brevet rank, and yet accepted of the same; That his case was several times fully before Congress during the War when the knowledge of his sufferings and services must have been the greatest; That it is so connected with the cases of a great number of other brevet officers who might perhaps state equal merit, and request similar rewards, Your Secretary cannot report in favor of the claim, and therefore he submits the following resolve,

Resolved That the claim of Moses Hazen Esq^r a Brigadier General by brevet in the late Army of the United States for the emoluments

¹ *Papers of the Continental Congress*, No. 42, III, pp. 528-533, Moses Hazen to Major General Lincoln.

² B. Lincoln to President of Congress, June 24, 1782. Copy, *Papers of the Continental Congress*, No. 42, III, p. 536. Another certified copy of this letter is in *Papers of the Continental Congress*, No. 149, I, pp. 421-422.

appertaining to the Commission of Brigadier General, cannot be allowed, the same being incompatible with the regulations established respecting brevet rank.

H KNOX

WAR OFFICE.

July 28th 1788.

His Excellency THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War respecting Indian affairs ¹]

WAR OFFICE July 29th 1788.

SIR: I have the honor to transmit to Congress the copy of a letter this day received from the Superintendent of Indian affairs for the Northern Department.

I have the honor to be, etc.,

H KNOX ²

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, JULY 31, 1788.

Congress assembled present as before

Mr Theodore Sedgwick a delegate for Massachusetts attended and produced his credentials which were read.

[Credentials of Theodore Sedgwick, Massachusetts ³]

Commonwealth of Massachusetts

(Seal)

To our trusty and well-beloved The Hon^{ble}
Theodore Sedgewick Esq^r of Stockbridge in our
County of Berkshire, Greeting.

¹ *Papers of the Continental Congress*, No. 150, III, p. 485, read July 30, 1788. A copy of General Butler's letter of July 15, 1788, is on pp. 481-482.

² JULY 30, 1788. According to indorsement was read:

Letter of George Clinton to the President of Congress, July 26, 1788, transmitting the ratification of the Constitution by New York. *Papers of the Continental Congress*, No. 67, II, p. 559.

³ Original credentials indorsed as read July 31, 1788, in *Papers of the Continental Congress*, Massachusetts Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 263-264.

Whereas the General Court of our Commonwealth aforesaid, did on the twenty seventh day of June A^o Dⁱ 1787 agreeable to the Constitution of our said Commonwealth appoint the
 John Hancock Honble Theodore Sedgewick Esq^r a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first monday of the present month.

Now therefore Know ye, that We do by these presents and in pursuance of the said Appointment commission you the said Theodore Sedgewick Esq^r to represent our said Commonwealth in Congress and vest you with all and singular the powers and authorities to the said office or place of Delegate belonging by virtue of the Constitution of said Commonwealth and the appointment aforesaid; and to hold said Office until the first Monday of November A^o Dⁱ 1788. And you the said Theodore Sedgewick Esq^r are hereby required to observe the instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

In Testimony whereof We have caused our publick seal to be hereto affixed. Witness His Excellency John Hancock Esq^r our Governor and Commander in Chief at Boston this fifth day of November A^o Dⁱ 1787, and in the Twelfth year of the Independence of the United States of America.

By His Excellency's Command,
 JOHN AVERY jun^r *Secretary*.

[Report of Secretary at War on memorial of officers of Col. Flower's regiment ¹]

The Secretary of the United States for the department of War to whom was referred the Memorial of Alexander Power attorney for a number of Officers of the late regiment of artillery Artificers claiming the commutation of the half pay granted to the late Officers of the Army of the United States.

Reports

That the claim of the late officers of the regiment of artillery Artificers for half pay or a commutation thereof has been several times submitted to Congress, and received their decision on the 19th

¹ *Papers of the Continental Congress*, No. 151, pp. 377-380, read July 31, 1788. See February 25, 28 and September 25, 1788. The memorial was withdrawn by the petitioners on February 18, 1789.

of October 1785, as will more fully appear by the copy ¹ of a report of a Committee of Congress herewith submitted, which was referred to the Commissioner of Army accounts to take order.

That this decision respecting Artificers was conformably to the several resolves of Congress respecting the objects of the half pay.

But the Memorialist assumes an other principle, and asserts that he and his constituents were commissioned as artillery Officers, disciplined as such, and performed duty accordingly; That their services and promises were equal to other officers of Artillery, and that their rewards ought to be the same; As this is an appeal to the justice of the Sovereign for the performance of a public Contract, it may be necessary to state the following circumstances to show that it is unsupported by proper facts.

1st The Artificers were established as a part of the civil branch of the Ordnance Department, as will appear by the resolves of Congress ² of the 11th of February 1778; The rank which was given to the officers was necessary for the government of the workmen, and the relative pay with the officers of Artillery, was the rule of pay to the officers of the Artificers; but no stipulation was then made, or at any subsequent period that the Officers of the Artificers should have the same rewards as the officers of the Army.

2^d The establishment of the battalions which formed the Corps of Artillery from time to time, will prove that the Artificers were not at any period considered as Artillerists.

3^d The Artificers did not in any instance act in the field as Artillerists; They were mostly stationed at the Arsenal at Carlisle and employed in making Carriages of various kinds for the use of the Artillery in the field.

But there are two circumstances on which the Memorialist and his constituents seem to place great confidence Viz. That their commissions expressed Officers of *Artillery and Artificers*; And that the Surgeon of the regiment was allowed by the resolve ³ of Congress of the 3^d of May 1782 "All the emoluments heretofore allowed to reduced regimental Surgeons".

The manner of filling up the commissions must have been an error, as it was not authorized by any act of Congress.

¹ *Papers of the Continental Congress*, No. 151, pp. 381-383. See *Journals*, vol. XXIX, pp. 840-841.

² *Journals*, vol. X, pp. 144-150.

³ *Journals*, vol. XXII, p. 236.

It would appear by the resolve of the 3^d of May 1782 that Congress considered the Surgeon differently circumstanced from the officers of the Artificers, as the corps had been previously reduced by the resolve ¹ of Congress of the 29th of March 1781. and all the officers except two discharged without any specification of rewards.

On the whole your Secretary is of opinion, that it would be proper in order to prevent any further applications, for Congress to pass a resolution on the subject, as the report of the Committee of the 19th of October 1785 has not been published. On this principle the following resolve is submitted.

Resolved That the claim of the late officers of the Artillery Artificers for the commutation of the half pay granted to the late officers of the Army of the United States, cannot be allowed.

WAR OFFICE.

H KNOX

30th July 1788.

His Excellency

THE PRESIDENT OF CONGRESS.

FRIDAY, AUGUST 1, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York New Jersey Pennsylvania Delaware Maryland Virginia North Carolina So Carolina and Georgia.

On a letter ² of this Day from the Sec^y at War desiring leave of absence for a few week

Ordered That leave of absence be given him accordingly.

On motion ³ of M^r [William] Irvine seconded by M^r [William] Few

Whereas the time for which the superintendant of Indian affairs for the northern district was elected will probably expire during the treaty directed to be held with the Indians

¹ *Journals*, vol. XIX, p. 330.

² *Papers of the Continental Congress*, No. 150, II, pp. 431-432.

³ *Papers of the Continental Congress*, No. 30, p. 335, in the writing of Mr. William Irvine. The proceeding on this motion was entered by John Fisher in *Western Territory*, *Papers of the Continental Congress*, No. 176, p. 55.

northwest of the Ohio which may be injurious to the public interest

Resolved That the Superintendant of Indian affairs for the northern district be continued in service for two months from and after the fourteenth day of the present month.

~~The order of the day being called for and the motion renewed to fill the blank with the words "city of New York in the State of New York".~~

[Letter of Secretary at War respecting Indian affairs ¹]

WAR OFFICE *August 1 1788*

SIR: I have the honor to transmit to your Excellency a letter just received from the superintendant of Indian affairs for the Northern department dated at Fort Pitt the 18th and 19th ultimo.

I have the honor to be, etc.

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

[Letter of Secretary for Foreign Affairs transmitting correspondence ²]

OFFICE FOR FOREIGN AFFAIRS

1st August 1788.

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, three Letters ³ from M^r Jefferson of the 4th 23^d and 30th May last. Translations are making of the french Papers enclosed with them, and when finished shall be immediately communicated.

¹ *Papers of the Continental Congress*, No. 150, III, p. 477, read August 1, 1788. Copies of the letter of General Butler is on pp. 473-475. See August 11, 1788.

² *Papers of the Continental Congress*, No. 80, III, p. 528, read August 1, 1788.

³ *Papers of the Continental Congress*, No. 87, II, pp. 77-81, 103-110 and 175, respectively. The enclosures, with their translations, of the first letter are on pp. 85-91, 95-96 and those of the second between pp. 97-102 and 111-173 (64 pages). The letter of May 4 discusses finances of the United States, captives in Algiers, Spanish naval armament, J. P. Jones in service of Russia, and affairs in France. That of May 23 treats of affairs in France, enclosing numerous documents. And that of May 30 gives further details on the affairs in France. See August 6, 1788.

With great Respect and Esteem I have the Honor to be, etc.,

JOHN JAY¹

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, AUGUST 4, 1788.

Congress assembled · present the thirteen states

On motion ² of Mr [William] Few seconded by Mr [Abraham] Baldwin

Resolved That the superintendant of Indian affairs for the Southern district be continued in service three months from 29. day of the present month.

The Order of the day ³ being called and the motion renewed by Mr [Jonathan] Dayton seconded by Mr [David] Ross to fill the blank with the words "city of New York in the State of New York". A motion was made by Mr [Hugh] Williamson seconded by Mr [Joshua] Seney to postpone the motion in order to admit a motion to fill the blank with the word Lancaster and on the question to postpone for the purpose above mentioned the yeas and nays being required by Mr [Hugh] Williamson.

¹ AUGUST 1, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 201, the following committee was appointed:

Mr. Egbert Benson, Mr. Edward Carrington, and Mr. Joshua Seney on the Memorial of Udney Hay, dated July 30 and read August 1, 1788, requesting an explanation of the act of July 22, 1788, granting him one year's pay. *Papers of the Continental Congress*, No. 19, III, p. 143. The committee reported August 14, 1788. Acted on August 15, 1788.

² *Papers of the Continental Congress*, No. 30, p. 337, in the writing of Mr. William Few.

³ Organization of the government under the Constitution. See July 8, 30, August 5 and September 13, 1788.

N. Hampshire

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachusetts

M ^r Sedgwick	ay	}no
M ^r Dane	no	
M ^r Otis	no	

Rhode Island

M ^r Hazard	no	}no
M ^r Arnold	no	

Connecticut

M ^r Huntington	no	}no
M ^r Wadsworth	no	
M ^r Edwards	ay	

New York

M ^r L'Hommedieu	no	}no
M ^r Benson	no	
M ^r Hamilton	no	
M ^r Yates	no	

New Jersey

M ^r Clarke	no	}no
M ^r Elmer	ay	
M ^r Dayton	no	

Pensylvania

M ^r Irvine	ay	}ay
M ^r Meredith	ay	
M ^r Bingham	ay	
M ^r Reid	ay	

Delaware

M ^r Kearny	ay	}ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	}ay
M ^r Contee	ay	
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	}ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	no	
M ^r Brown	ay	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Huger	no	}no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So it passed in the negative.

A motion was then made by M^r [Edward] Carrington seconded by M^r [Joshua] Seney to postpone the motion for New York in order to admit Baltimore in the State of Maryland and on the question to postpone for the purpose above mentioned the yeas and nays being required by M^r [Joshua] Seney

<i>New Hampshire</i>			<i>Delaware</i>		
M ^r Gilman	no	} no	M ^r Kearny	ay	} ay
M ^r Wingate	no		M ^r Mitchell	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
M ^r Sedgwick	no	} no	M ^r Seney	ay	} ay
M ^r Dane	no		M ^r Contee	ay	
M ^r Otis	no		M ^r Ross	ay	
<i>Rhode Island</i>			<i>Virginia</i>		
M ^r Hazard	no	} no	M ^r Griffin	ay	} ay
M ^r Arnold	no		M ^r Madison	ay	
<i>Connecticut</i>			M ^r Carrington	ay	
M ^r Huntington	no	} no	M ^r Lee	ay	
M ^r Wadsworth	no		M ^r Brown	ay	
M ^r Edwards	no		<i>North Carolina</i>		
<i>New York</i>			M ^r Williamson	ay	} ay
M ^r L'Hommedieu	no	} no	M ^r Swan	ay	
M ^r Benson	no		<i>South Carolina</i>		
M ^r Hamilton	no		M ^r Huger	ay	} ay
M ^r Yates	no		M ^r Parker	ay	
<i>New Jersey</i>			M ^r Tucker	ay	
M ^r Clarke	no	} no	<i>Georgia</i>		
M ^r Elmer	no		M ^r Few	ay	} ay
M ^r Dayton	no		M ^r Baldwin	ay	
<i>Pensylvania</i>					
M ^r Irvine	ay	} ay			
M ^r Meredith	ay				
M ^r Armstrong	ay no				
M ^r Bingham	no ay				
M ^r Reid	ay				

So it passed in the affirmative.

On the question to agree fill the blank with the words the town of Baltimore in the state of Maryland the yeas and nays being required by M^r [Edward] Carrington

<i>New Hampshire</i>			<i>Delaware</i>		
M ^r Gilman	no	}no	M ^r Kearny	ay	}ay
M ^r Wingate	no		M ^r Mitchell	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
M ^r Sedgwick	no	}no	M ^r Seney	ay	}ay
M ^r Dane	no		M ^r Contee	ay	
M ^r Otis	no		M ^r Ross	ay	
<i>Rhode Island</i>			<i>Virginia</i>		
M ^r Hazard	no	}no	M ^r Griffin	ay	}ay
M ^r Arnold	no		M ^r Madison	ay	
<i>Connecticut</i>			M ^r Carrington	ay	
M ^r Huntington	no	}no	M ^r Lee	ay	
M ^r Wadsworth	no		M ^r Brown	ay	
M ^r Edwards	no		<i>North Carolina</i>		
<i>New York</i>			M ^r Williamson	ay	}ay
M ^r L'Hommedieu	no	}no	M ^r Swann	ay	
M ^r Benson	no		<i>South Carolina</i>		
M ^r Hamilton	no		M ^r Huger	ay	}ay
M ^r Yates	no		M ^r Parker	ay	
<i>New Jersey</i>			M ^r Tucker	ay	
M ^r Clarke	no	}no	<i>Georgia</i>		
M ^r Elmer	no		M ^r Few	ay	}ay
M ^r Dayton	no		M ^r Baldwin	ay	
<i>Pensylvania</i>					
M ^r Irvine	ay	}ay			
M ^r Meredith	ay				
M ^r Armstrong	no				
M ^r Bingham	ay				
M ^r Reid	ay				

So it was resolved in the affirmative.

The preamble reported by the committee was then taken into consideration which is in the words following "Whereas¹ the convention assembled in Philadelphia pursuant to the Resolution of Congress of the 21st of February 1787, did on the 17th of September in the same year report to the United States in Congress Assembled in the words following viz. "We the people etc." (here to be inserted the constitution and

¹ Roger Alden takes up the entry.

resolutions as entered on the Journal of last year Sept^r 28th 1787)¹ whereupon Congress on the 28th of the same September, did resolve unanimously, "That the said Report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State, by the people thereof, in conformity to the Resolves of the Convention made and provided in that case." And whereas the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland Virginia South Carolina and Georgia, have duly ratified the aforesaid Constitution, as appears by the several acts of the said States returned to Congress, and filed in the Office of the Secretary; and it is expedient that proceedings do commence thereon as early as may be, therefore," etc.

A motion² was made by Mr [Thomas Tudor] Tucker, seconded by Mr [Daniel] Huger to postpone the said preamble in order to take up the following, viz. Whereas the Constitution proposed by the late general Convention held in the city of Philadelphia has been ratified in the manner therein declared to be sufficient for the establishment of the same; And whereas the ratifications of the several States are to be considered as containing virtual authority and Instructions to their Delegates in Congress to make the preparatory Arrangements recommended by the said Convention to be made by Congress, therefore resolved, and on the question to postpone for the purpose abovementioned, the Yeas and Nays being required by Mr [Thomas Tudor] Tucker,

¹ The constitution and resolutions were not entered in the *Journal* on this date. They are printed, under the date of September 20, 1787. See *Journals*, vol. XXXIII, pp. 488-503.

² *Papers of the Continental Congress*, No. 23, p. 107 in the writing of Mr. Thomas Tudor Tucker.

resolutions as entered on the Journal of last year Sept^r 28th 1787)¹ whereupon Congress on the 28th of the same September, did resolve unanimously, "That the said Report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State, by the people thereof, in conformity to the Resolves of the Convention made and provided in that case." And whereas the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland Virginia South Carolina and Georgia, have duly ratified the aforesaid Constitution, as appears by the several acts of the said States returned to Congress, and filed in the Office of the Secretary; and it is expedient that proceedings do commence thereon as early as may be, therefore," etc.

A motion² was made by Mr [Thomas Tudor] Tucker, seconded by Mr [Daniel] Huger to postpone the said preamble in order to take up the following, viz. Whereas the Constitution proposed by the late general Convention held in the city of Philadelphia has been ratified in the manner therein declared to be sufficient for the establishment of the same; And whereas the ratifications of the several States are to be considered as containing virtual authority and Instructions to their Delegates in Congress to make the preparatory Arrangements recommended by the said Convention to be made by Congress, therefore resolved, and on the question to postpone for the purpose abovementioned, the Yeas and Nays being required by Mr [Thomas Tudor] Tucker,

¹ The constitution and resolutions were not entered in the *Journal* on this date. They are printed, under the date of September 20, 1787. See *Journals*, vol. XXXIII, pp. 488-503.

² *Papers of the Continental Congress*, No. 23, p. 107 in the writing of Mr. Thomas Tudor Tucker.

New Hampshire

M ^r Gilman	ay	} ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgewick	no	} no
M ^r Dane	ay	
M ^r Otis	no	

Rhode Island

M ^r Hazard		} *
M ^r Arnold	ay	

Connecticut

M ^r Huntington	ay	} ay
M ^r Wadsworth	ay	
M ^r Edwards	no	

New York

M ^r L'Hommedieu	no	} no
M ^r Benson	no	
M ^r Hamilton	no	
M ^r Yates	ay	

New Jersey

M ^r Clark	ay	} ay
M ^r Elmer	ay	
M ^r Dayton	no	

Pennsylvania

M ^r Irvine	ay	} ay
M ^r Meredith	ay	
M ^r Armstrong	ay	
M ^r Bingham	no	
M ^r Reid	ay	

Delaware

M ^r Kearny	ay	} ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	no	} ay
M ^r Contee	ay	
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	} ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	ay	
M ^r Brown	ay	

North Carolina

M ^r Williamson	no	} d
M ^r Swann	ay	

South Carolina

M ^r Huger	ay	} ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	} ay
M ^r Baldwin	ay	

So it was resolved in the affirmative.

[Report of committee on the requisition for 1788 ¹]

The Committee consisting of [Mr. Abraham Clark, Mr. Nathan Dane, Mr. Hugh Williamson, Mr. William Bingham and Mr. Abraham

¹ *Papers of the Continental Congress*, No. 141, I, pp. 381-388, in the writing of a clerk. There is a printed copy of this report, together with an estimate for the Year 1788, in *Papers of the Continental Congress*, Broad sides. Read August 4, and made the order of the day for Thursday August 7, 1788. Acted on August 20, 1788, where the report is entered *in extenso* in the *Journal*. The parts printed here indicate the changes and omissions made in the adoption. See July 9, 1788.

Baldwin] to whom was referred the report of the Board of Treasury respecting a requisition for the year 1788, Report:

Resolved, that of the arrearages due on the Requisitions of 1784, 1785 and 1786, be and there is hereby appropriated for the services of the present year, the sum of three hundred and twenty six thousand four hundred and Twenty seven dollars, and for the following purposes to wit.

For the Civil department	108, 587. 60	
“ The Military “	119, 839. 30	
“ Surveys of Western lands	4, 000.	
“ Indian Treaties	20, 000.	
“ Invalid pensions	58, 000.	
“ Contingences	16, 000.	326, 427.

Resolved, that the monies borrowed by the United States in Holland in the years 1787 and 1788 be appropriated to the payment of Interest due, and which shall become due to the year 1790 inclusive on the Dutch loans, and that the residue of the said loans made in the last and present years after paying the said Interest be applied towards paying the salaries of the Ministers of the United States in Europe, and the Contingent expences of the said States which have arisen or shall arise in Europe [or on account of the American prisoners at Algiers].

Resolved that the States be and there are hereby required to pay into the Treasury of the United States on or before the first of July next, the sum of one million Six hundred and eighty Six thousand, five hundred and forty one dollars and Twelve ninetieths of a dollar, being the amount of one years Interest on the domestic debt of the United States and that the quotas of the several States of the aforesaid sum, be as follows to wit.

As the sum aforesaid of 1,686,541.12 Dollars is to be applied to the payment of the Interest due on the domestic debt of the United States, and the same may be received in Certificates or Indents issued for Interest.

Resolved That the Board of Treasury furnish the several Loan-Officers, with Indents, to be issued for interest as aforesaid, and also

with such Checks and instructions as they from time to time shall Judge necessary, to prevent Counterfeit Certificates of debts from obtaining a settlement of Interest, and to detect Counterfeit evidence of Interest, and thereby to avoid receiving them in discharge of Taxes; which Indents of Interest being parted with by the holders of the principal, shall be deemed evidence that he has received Satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in any other State in the Union, as well as in the State in which they were issued.

[Report of Board of Treasury on memorial of H. H. Williams ¹]

The Board of Treasury to whom was referred the Memorial of Henry Howell Williams,

Beg leave to Report to Congress

That the damage done to the property of the Memorialist, and the articles stated to have been applied to the benefit of the United States, was previous to the formation of an Army, under the authority of the Union.

The Board are therefore of opinion, that if the evidence adduced in proof of the value and quantity of the articles stated to have been applied to the public use was more satisfactory than in fact it is, it would be improper to establish a Precedent, in the present instance, for an admission of numerous Claims, on the merits of which it would be impossible for the Officers of the Treasury to form any competent judgement.

The general fact, of a very valuable property belonging to the Memorialist, having been either destroyed or used for the benefit of the Army assembled at Boston in the month of May 1775, by order of a Board of General Officers, appears by the Certificate of the late Commissioner of Accounts for the State of Massachusetts, marked A, to have been well established: Inasmuch however as the aforesaid property appears to have been applied for the immediate benefit of the State, and as the merits of the Claim can be best ascertained under their authority, The Board are of opinion, that the Memorialist should apply to that source for relief; and should Claims of a similar description be hereafter allowed by the general Board of Commis-

¹ *Papers of the Continental Congress*, No. 138, II, pp. 531-533, read August 4, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I. p. 591. See April 24, 1787. *Journals*, vol. XXXII, p. 236n.

sioners, the State will obtain reimbursement for such sums as shall appear an equitable compensation for the real damage sustained by the Memorialist.

All which is humbly submitted.

August 1st 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letter from the Office of the Secretary at War on Indian Affairs ¹]

WAR-OFFICE, August 4th 1788.

SIR: In the absence of the Secretary at War, I have the honor to enclose to your Excellency, for the information of Congress, the copy of a letter from the Superintendant of Indian Affairs for the Southern district dated June 25th 1788, and covering two enclosures.

I have the honor to be, etc.,

J:^oN STAGG JUN^r ²

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, III, p. 449, read August 4, 1788. A copy of the letter of Superintendent R. Winn is on pp. 469-472, with its enclosures on pp. 453-454, 458-459, and 461-462. There is also a letter of Thomas Pinckney to the Delegates of South Carolina, July 18, 1788, recommending the subject, on pp. 465-466. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 100, p. 201, these papers were referred to a committee consisting of Mr. Thomas Tudor Tucker, Mr. Jonathan Dayton and Mr. Hugh Williamson, which reported on August 14, 1788. See August 11, 1788.

² AUGUST 4, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 201, the following committees were appointed:

Mr. Abraham Clark, Mr. Hugh Williamson and Mr. Jeremiah Wadsworth on the letter of Thomas Hutchins, August 4, 1788, respecting his salary. According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 37, the letter was received (read) August 4, 1788. The committee reported August 7, 1788. Acted on August 8, 1788.

Mr. Alexander Hamilton, Mr. Abraham Baldwin and Mr. Nathan Dane on the petition of Barent Martlings requesting a pension. According to the *Despatch Book*, p. 37, the petition was received (read) August 4, 1788.

According to the *Committee Book*, p. 199 and the *Reports of Committees*, *Papers of the Continental Congress*, No. 189, p. 37, the committee of July 16, 1788 on the motion of Mr. Abraham Clark respecting the copper contract rendered a report, which has not been located. This report was recommitted on August 20, 1788. See also August 27 and September 16, 1788.

¹ TUESDAY, AUGUST 5, 1788.

Congress assembled present as yesterday

Letter ² of the 4 from the board of treasury was read informing Congress of the death of Mr Pierce late commissioner of army acco^{ts} and paymaster gen^l

On motion of Mr [Abraham] Clarke seconded by Mr [Jonathan] Dayton

Ordered That thursday next be assigned for electing a commissioner of army accounts.

The order of the day ³ being called, the preamble moved by Mr [Thomas Tudor] Tucker seconded by Mr [Daniel] Huger was read in the words following "Whereas the Constitution proposed by the late general Convention held in the city of Philadelphia has been ratified in the manner therein declared to be sufficient for the establishment of the same; and whereas the ratifications of the several states are to be considered as containing virtual authority and instructions to their delegates in Congress assembled to make the preparatory arrangements recommended by the said convention to be made by Congress, therefore",

A motion was made by the delegates of North Carolina to amend this proposed preamble by striking out the words "and instructions to their delegates in Congress" and in lieu thereof to insert "to the United States in Congress assembled."

A motion was thereupon made by Mr [Nathan] Dane seconded by [Mr. Egbert] Benson to postpone both the proposed preamble and the amendment; and on the question to ~~amend the~~ y postpone the yeas and nays being required by Mr [Hugh] Williamson.

¹ Charles Thomson resumes the entry.

² *Papers of the Continental Congress*, No. 140, II, p. 543, read August 5, 1788. A copy of a letter of the Secretary at War to the Board of Treasury, August 2, 1788, announcing the death, is on pp. 547-548. See August 8 and 28, 1788.

³ Organization of the government under the Constitution. See July 8, August 4, 6 and September 13, 1788.

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	ay	}ay
M ^r Dane	ay	
M ^r Otis	ay	

Rhode island

M ^r Hazard	no	}no
M ^r Arnold	no	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	
M ^r Edwards	ay	

New York

M ^r L'Hommedieu	ay	}ay
M ^r Benson	ay	
M ^r Hamilton	ay	
M ^r Yates	no	

New Jersey

M ^r Clarke	ay	}ay
M ^r Elmer	ay	
M ^r Dayton	ay	

Pennsylvania

M ^r Armstrong	ay	}ay
M ^r Bingham	ay	
M ^r Reid	no	

Delaware

M ^r Kearny	no	}no
M ^r Mitchel	no	

Maryland

M ^r Seney	ay	}ay
M ^r Contee	no	
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	}ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	ay	
M ^r Brown	ay	

North Carolina

M ^r Williamson	no	}no
M ^r Swann	no	

South Carolina

M ^r Huger	no	}no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So it was resolved in the affirmative.

A New preamble being agreed to, a motion was made by M^r [Alexander] Hamilton seconded by M^r [Nathan] Dane to reconsider the question for filling the blank in the resolution with the words "The town of Baltimore in the state of Maryland", and on the question for reconsideration the yeas and nays being required by M^r [Joshua] Seney.

New hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	ay	}ay
M ^r Dane	ay	
M ^r Otis	ay	

Rhode island

M ^r Hazard	ay	}ay
M ^r Arnold	ay	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	
M ^r Edwards	ay	

New York

M ^r L'Hommedieu	ay	}ay
M ^r Benson	ay	
M ^r Hamilton	ay	
M ^r Yates	ay	

New Jersey

M ^r Clark	ay	}ay
M ^r Dayton	ay	

Pensylvania

M ^r Irvine	no	}no
M ^r Meredith	no	
M ^r Armstrong	no	
M ^r Bingham	no	
M ^r Reid	no	

Delaware

M ^r Kearny	no	}no
M ^r Mitchell	no	

Maryland

M ^r Seney	no	}no
M ^r Contee	no	
M ^r Ross	no	

Virginia

M ^r Griffin	no	}no
M ^r Madison	no	
M ^r Carrington	no	
M ^r Lee	ay	
M ^r Brown	no	

North Carolina

M ^r Williamson	no	}no
M ^r Swan	no	

South Carolina

M ^r Huger	ay	}no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	no	}no
M ^r Baldwin	no	

So it passed in the negative.¹

¹ AUGUST 5, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 201, was referred to the Board of Treasury to report:

Petition of Joseph Spencer, dated July 31, read August 5, 1788, for the settlement of his accounts. *Papers of the Continental Congress*, No. 42, VII, pp. 305-307. Report rendered August 14, 1788. See August 20 and September 30, 1788.

WEDNESDAY, AUGUST 6, 1788.

Congress assembled present the thirteen states.

The order of the day¹ being called for and the act as amended for putting the Constitution into Operation being read as follows:

Whereas the convention assembled in Philadelphia pursuant to the resolution of Congress of the 21 febr^y 1787 did on the 17 of Sept in the same year report to the United States in Congress assembled a constitution for the people of the United States whereupon Congress on the 28 of the same September did resolve unanimously "that the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention made and provided in that case" and whereas the constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the secretary therefore,

Resolved that the first Wednesday in January next be the day for appointing electors in the several states which before the said day shall have ratified the said constitution, that the first wednesday in febr^y next be the day for the electors to assemble in their respective states and vote for a president and that the first Wednesday in March next be the time and the town of Baltimore in the state of Maryland the place for commencing proceedings under the said constitution.

¹ See July 8, August 5, 7 and September 13, 1788.

A motion ¹ was made by Mr [Thomas Tudor] Tucker seconded by Mr [Henry] Lee further to amend the act by striking out the words "and the town of Baltimore in the state of Maryland" and ~~in lieu thereof~~ inserting as follows, And ² Whereas a central situation would be most eligible for the sitting of the Legislature of the United States, if such could be found in a condition to furnish in due time the accommodations necessary for facilitating public business, and at the same time free of weighty objections which might render it improper or unlikely to be the seat of Government either permanently or until a permanent seat can be agreed on; and whereas the most effectual means of obtaining finally the establishment of the federal government in a convenient central situation is to leave the subject to the deliberate consideration of the future Congress, uninfluenced by undue attachment to any of the places which may stand in competition for preference on so interesting a question, and unembarrassed by want of time and means to fix on and prepare the most proper place for this purpose; and whereas the removal of the public Offices must be attended with much expence, danger and Inconvenience, which ought not to be incurred but with a well founded expectation of advantages that may fully counterbalance the same; and whereas no such advantages can be expected from a removal to any place now in a condition to receive the federal legislature; and whereas in addition to the beforementioned reasons unnecessary changes of the seat of Government would be indicative of instability in the national councils and therefore highly injurious to the interests as well as derogatory to the dignity of the United States, therefore, *Resolved* that the

¹ *Papers of the Continental Congress*, No. 23, pp. 343-344, in the writing of Mr. Thomas Tudor Tucker. At the end of the motion, on pp. 344-345, Charles Thomson wrote a draft of the *Journal* entry of this day, without Mr. Williamson's motion and the votes which are indicated as nos. 1-4.

² Roger Alden takes up the entry.

city of New York in the State of New York be the place for commencing proceedings under the said Constitution.

A motion¹ was then made by M^r [Hugh] Williamson seconded by M^r [James R.] Reid to postpone the motion before the house in order to take up the following.

Whereas it is proper that the seat of the new Congress and of the national Government should be placed as near the

¹ *Papers of the Continental Congress*, No. 23, pp. 339-341, in the writing of Mr. Hugh Williamson. The motion suffered numerous changes in phraseology in its preparation, indicated on the original which reads as follows:

"Whereas it is proper that the Seat of the new Congress and of the national Government should be placed as near as possible to the Center of the Union [as may consist with present accommodation] in Order that it's Influence and benefits may be equally felt by the great Body of Citizens throughout the US, that Members of Congress and other Persons may approach it with equal Convenience from the opposite Extremes and that no Species of partial ~~accommodation~~ ~~may seem to have been~~ [Favour may seem to ~~appear~~ have been] extended to one Extreme rather than to the other; and whereas the present Residence of Congress is far removed from the Center of the Union whether Population or Distance are considered since the new Congress should [is to] consist of 8 Senators from States to the Eastward of New York and 16 from States to the Southward and [since there are to be only] ~~of~~ 17 members ~~only~~ in the House of Representatives from the Eastern States though there are to be 42 members from southern States; and since the Distance to the Seat of Government in the extreme ~~Southern~~ Eastern State is ~~at least three Times~~ hardly [equal to] one third of the Distance to the seat of Government in the most southerly State. And whereas it is to be desired that ~~Proceedings under the new Government may~~ the new Congress may be convened in the same Spirit of ~~Indulgence Concession~~ and mutual Accommodation which has hitherto appeared in all ~~Proceedings which~~ [Deliberations] respect[ing] the new Government and that Proceedings under the said Government may commence under the Impressions of mutual Confidence without that general Irritation and loss of Time which must attend the Removal from an Improper Situation and without those painful Apprehensions which must be ~~excited by the early~~ [and strong] Appearance of secret Influence or local Considerations; Therefore resolved

That Philadelphia [the Town of Lancaster in the State of Pennsylvania] be the Place in which the new Congress shall meet:

~~excited by the early Appearance~~
in attention to the general Interest of the Union or
~~excited by an Act [a measure] that may seem to have originated in an undue~~
~~Regard to local considerations~~
apprehensions which will naturally arise from a Measure that may seem to have originated in an undue Regard to local Considerations.

Therefore resolved that the Seat of the new Congress ought to be in some Place to the Southward of New York".

centre of the Union as may consist with present accommodation in order that its influence and benefits may be equally felt by the great body of citizens throughout the United States, that members of Congress and other persons may approach it with equal convenience from the opposite extremes, and that no species of partial favour may seem to have been extended to one extreme, rather than to the other; and whereas the present residence of Congress is far removed from the center of the Union, whether population or distance are considered, since the new Congress is to consist of eight Senators from States to the eastward of New York, and sixteen from States to the southward, and since there are to be only 17 members in the house of representatives from the eastern States, though there are to be 42 members from southern States; and since the distance to the seat of government in the extreme eastern state is hardly equal to one third of the distance to the seat of Government in the most southerly state, and whereas it is to be desired that the new Congress may be convened in the same spirit of mutual accommodation which has hitherto appeared in all deliberations respecting the new government, and that proceedings under the said Government may commence under the impressions of mutual confidence, without that general irritation and loss of time which must attend the removal from an improper situation, and without those painful apprehensions which will naturally arise from a measure that may seem to have originated in an undue regard to local considerations. Therefore *Resolved* that the seat of the new Congress ought to be in some place to the southward of New York.

And on the question to postpone for the purpose above-mentioned, the Yeas and Nays being required by Mr [Hugh] Williamson:

New Hampshire

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachusetts

M ^r Sedgewick	no	}no
M ^r Dane	no	
M ^r Otis	no	
M ^r Thatcher	no	

Rhode Island

M ^r Hazard	no	}no
M ^r Arnold	no	

Connecticut

M ^r Huntington	no	}no
M ^r Wadsworth	no	
M ^r Edwards	ay	

New York

M ^r L'Hommedieu	no	}no
M ^r Benson	no	
M ^r Hamilton	no	
M ^r Yates	no	

New Jersey

M ^r Clark	no	}no
M ^r Elmer	ay	
M ^r Dayton	no	

Pennsylvania

M ^r Irvine	ay	}ay
M ^r Meredith	ay	
M ^r Armstrong	ay	
M ^r Bingham	ay	
M ^r Reid	ay	

Delaware

M ^r Kearny	ay	}ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	}ay
M ^r Contee	ay	
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	}ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	no	
M ^r Brown	ay	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Huger	no	}no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So it passed in the Negative.

A motion was then made by Mr [Edward] Carrington seconded by Mr [William] Bingham to amend the amendment by striking out the words "New York in the state of New

York", and in lieu thereof, inserting "Philadelphia" and on the question to agree to the amendment to the amendment the Yeas and Nays being required by M^r [James R.] Reid:

<i>New Hampshire</i>			<i>Delaware</i>		
M ^r Gilman	no	}no	M ^r Kearny	ay	}ay
M ^r Wingate	no		M ^r Mitchell	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
M ^r Sedgewick	no	}no	M ^r Seney	ay	}ay
M ^r Dane	no		M ^r Contee	ay	
M ^r Otis	no		M ^r Ross	ay	
M ^r Thatcher	no		<i>Virginia</i>		
<i>Rhode Island</i>			M ^r Griffin	ay	}ay
M ^r Hazard	no	}no	M ^r Madison	ay	
M ^r Arnold	no		M ^r Carrington	ay	
<i>Connecticut</i>			M ^r Lee	no	
M ^r Huntington	no	}no	M ^r Brown	ay	
M ^r Wadsworth	no		<i>North Carolina</i>		
M ^r Edwards	ay		M ^r Williamson	ay	}ay
<i>New York</i>			M ^r Swann	ay	
M ^r L'Hommedieu	no	}no	<i>South Carolina</i>		
M ^r Benson	no		M ^r Huger	no	}no
M ^r Hamilton	no		M ^r Parker	no	
M ^r Yates	no		M ^r Tucker	no	
<i>New Jersey</i>			<i>Georgia</i>		
M ^r Clark	no	}no	M ^r Few	no	}d
M ^r Elmer	ay		M ^r Baldwin	ay	
M ^r Dayton	no				
<i>Pensylvania</i>					
M ^r Irvine	ay	}ay			
M ^r Meredith	ay				
M ^r Armstrong	ay				
M ^r Bingham	ay				
M ^r Reid	ay				

So it passed in the Negative.

A division was then called for and on the question to agree to the resolving clause the Yeas and Nays being required by M^r [Henry] Lee.

York", and in lieu thereof, inserting "Philadelphia" and on the question to agree to the amendment to the amendment the Yeas and Nays being required by M^r [James R.] Reid:

<i>New Hampshire</i>			<i>Delaware</i>		
M ^r Gilman	no	}no	M ^r Kearny	ay	}ay
M ^r Wingate	no		M ^r Mitchell	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
M ^r Sedgewick	no	}no	M ^r Seney	ay	}ay
M ^r Dane	no		M ^r Contee	ay	
M ^r Otis	no		M ^r Ross	ay	
M ^r Thatcher	no		<i>Virginia</i>		
<i>Rhode Island</i>			M ^r Griffin	ay	}ay
M ^r Hazard	no	}no	M ^r Madison	ay	
M ^r Arnold	no		M ^r Carrington	ay	
<i>Connecticut</i>			M ^r Lee	no	
M ^r Huntington	no	}no	M ^r Brown	ay	
M ^r Wadsworth	no		<i>North Carolina</i>		
M ^r Edwards	ay		M ^r Williamson	ay	}ay
<i>New York</i>			M ^r Swann	ay	
M ^r L'Hommedieu	no	}no	<i>South Carolina</i>		
M ^r Benson	no		M ^r Huger	no	}no
M ^r Hamilton	no		M ^r Parker	no	
M ^r Yates	no		M ^r Tucker	no	
<i>New Jersey</i>			<i>Georgia</i>		
M ^r Clark	no	}no	M ^r Few	no	}d
M ^r Elmer	ay		M ^r Baldwin	ay	
M ^r Dayton	no				
<i>Pensylvania</i>					
M ^r Irvine	ay	}ay			
M ^r Meredith	ay				
M ^r Armstrong	ay				
M ^r Bingham	ay				
M ^r Reid	ay				

So it passed in the Negative.

A division was then called for and on the question to agree to the resolving clause the Yeas and Nays being required by M^r [Henry] Lee.

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgewick	ay	}ay
M ^r Dane	ay	
M ^r Otis	ay	
M ^r Thatcher	ay	

Rhode Island

M ^r Hazard	ay	}ay
M ^r Arnold	ay	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	
M ^r Edwards	ay	

New York

M ^r L'Homedieu	ay	}ay
M ^r Benson	ay	
M ^r Hamilton	ay	
M ^r Yates	ay	

New Jersey

M ^r Clark	ay	}ay
M ^r Elmer	ay	
M ^r Dayton	ay	

Pensylvania

M ^r Irvine	no	}no
M ^r Meredith	no	
M ^r Armstrong	no	
M ^r Bingham	no	
M ^r Reid	no	

Delaware

M ^r Kearny	no	}no
M ^r Mitchell	no	

Maryland

M ^r Seney	no	}no
M ^r Contee	no	
M ^r Ross	no	

Virginia

M ^r Griffin	no	}no
M ^r Madison	ay	
M ^r Carrington	no	
M ^r Lee	ay	
M ^r Brown	no	

North Carolina

M ^r Williamson	no	}no
M ^r Swann	no	

South Carolina

M ^r Huger	ay	}ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	}div ^d
M ^r Baldwin	no	

So it was resolved in the Affirmative.

On the question to agree to the preamble, the Yeas and Nays being required by M^r [William] Irvine.

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgewick	ay	}ay
M ^r Dane	ay	
M ^r Otis	ay	
M ^r Thatcher	ay	

Rhode Island

M ^r Hazard	ay	}ay
M ^r Arnold	ay	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	
M ^r Edwards	no	

New York

M ^r L'Hommedieu	ay	}ay
M ^r Benson	ay	
M ^r Hamilton	ay	
M ^r Yates	ay	

New Jersey

M ^r Clark	ay	}ay
M ^r Elmer	no	
M ^r Dayton	ay	

Pensylvania

M ^r Irvine	no	}no
M ^r Meredith	no	
M ^r Armstrong	no	
M ^r Bingham	no	
M ^r Reid	no	

Delaware

M ^r Kearny	no	}no
M ^r Mitchell	no	

Maryland

M ^r Seney	no	}no
M ^r Contee	no	
M ^r Ross	no	

Virginia

M ^r Griffin	no	}no
M ^r Madison	no	
M ^r Carrington	no	
M ^r Lee	ay	
M ^r Brown	no	

North Carolina

M ^r Williamson	no	}no
M ^r Swann	no	

South Carolina

M ^r Huger	ay	}ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	}div ^d
M ^r Baldwin	no	

So it was resolved in the Affirmative.¹

¹ AUGUST 6, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 201, was referred to the Board of Treasury:

Extracts of the letters from Mr. Jefferson, dated May 4 and 23, 1788, respecting funds in Europe and a copy of the *compte rendu*, pages 75, 76 and 81. See August 1, 1788.

¹ THURSDAY, AUGUST 7, 1788.

Congress assembled present as yesterday.

[Motion of Mr. Hamilton respecting votes of States not having ratified the Constitution ²]

Resolved As the sense of this congress that any vote given or which may be given respecting the said resolutions, by the delegate or delegates of any state which hath not ratified the said constitution, shall in no wise be ~~considered~~ construed directly or indirectly to imply either on their part or on the part of the states which they represent an approbation of the constitution aforesaid or of any part thereof or

¹ Charles Thomson resumes the entry.

² *Papers of the Continental Congress*, No. 23, pp. 93-94, in the writing of Charles Thomson. This is a fair copy. The motion in the writing of Mr. Alexander Hamilton, with changes in another hand, to bring it into conformity with the Thomson copy, is on pp. 345-346. This copy bears the indorsement "withdrawn". Hamilton's draft of the motion reads as follows:

"Whereas the Convention ~~then~~ assembled at Philadelphia in the Commonwealth of Pennsylvania did on the 17th day of September last past resolve as the opinion of that Convention that as soon as the Conventions of nine states should have ratified the Constitution then and there agreed upon by the said Convention the United States in Congress assembled should fix a day on which electors should be appointed by the states which should have ratified the same and a day on which the electors should assemble to vote for the President and the time and place for commencing proceedings under the said constitution. And whereas the United States in Congress assembled having received the ratifications of the said constitution by eleven states have in conformity to the resolution aforesaid passed an ordinance for the purposes aforesaid. And whereas although the state of Rhode Island hath not ratified the said Constitution and it is not known that the state of North Carolina hath ratified the same, the Delegates of the two last mentioned states have thought fit to vote upon the said ordinance in virtue of the right of suffrage vested in them by the Articles of Confederation and perpetual Union therefore

Resolved as the ~~opinion~~ sense of this Congress the conduct of the delegates of the said state of Rhode Island in voting concerning the said ordinance can in no wise be construed directly or indirectly to imply either on their part or on the part of the state they represent an approbation of the Constitution aforesaid or a relinquishment in any manner of obligation on the part of the said state touching the same or any relinquishment of any right heretofore enjoyed claimed or which may be claimed by the said state under the said Articles etc. or otherwise, but that ~~every~~ all and singular the rights of the said state remain continue and are in the same situation as if the said delegates had refrained from voting on any part of the said ordinance."

See July 8, August 6, 13 and September 13, 1788.

any manner or kind of obligation on the part of any such state touching the same or the relinquishment of any right heretofore or now claimed or which may be claimed by such state, and that all and singular the rights of such state remain continue and are to all intents and purposes in the same situation as if such delegates had refrained from voting respecting the said resolutions.

Motion of M^r Hamilton seconded by M^r D

Whereas the convention assembled at Phil in the Com: of Pensyl did on the 17 of Sept last past resolve as the opinion of that Convention that as soon as the Conventions of 9 states sh^d have ratified the constitution then and there agreed upon by the s^d convention the US in Congress Ass: sh^d fix a day on which electors should be appointed by the states which sh^d have ratified the same and a day on which the electors sh^d assemble to vote for the presid^t and the time and place for commencing proceedings under the s^d constitution and Whereas the US in C As hav^e rec^d the ratifications of the s^d Constitution by 11 states did on the 28 Ult and the 5 and 6 inst agree to the following resolutions to wit.

And whereas it does not appear that the states of RI and NC have ratified the s^d const. and whereas the delegates of the s^d two states have voted upon certain parts of the s^d resolutions therefore Resolved etc. as above.

Motion by delegates of NC to amend the motion, by striking out in the preamble "it does not appear that the states of RI and NC have ratified the s^d Cons." and in lieu thereof to insert "the convention of the state of NC is supposed now to be in session and the state of RI has rejected the new constitution".¹

And in the resolving clause to strike out "the delegate or delegates of any state which hath not ratified the s^d Const" and in lieu thereof to insert "the delegates of the state of RI which state hath rejected the new constit." ²

¹ This clause, in the writing of Mr. Hugh Williamson, is in *Papers of the Continental Congress*, No. 23, p. 96.

² This clause, in the writing of Mr. Hugh Williamson, is in *Papers of the Continental Congress*, No. 23, p. 96.

[Report of committee on letter of T. Hutchins ¹]

The committee consisting of [Mr. Abraham Clark, Mr. Hugh Williamson and Mr. Jeremiah Wadsworth] to whom was referred the Letter of Thomas Hutchins Esq^r geographer of the US. report, That the Act² of Congress of the 23^d day of March 1787 fixing the geographers Salary at the rate of 1500 dollars per Annum during the time he should be actually employed in public Service; has Occasioned some doubts with the board of Treasury whether any pay should be allowed to M^r Hutchins for the time he hath been in New York not actually employed; upon which your committee observe that tho' M^r Hutchins hath been some time in New York, yet they conceive he hath not been wholly unemployed, having been in the exercise of the duties of his office a considerable part of his time except such part thereof as he was employed in running the lines between the States of Massachusetts and Pennsylvania New York, and when not employed has been waiting the orders of Congress to proceed in Surveying certain districts in the Western Country, whereupon the following resolution is Submitted.

That in the Settlement of M^r Hutchins Accounts he be allowed for the whole of his time, since passing the aforesaid resolution of the 23^d of March 1787, except so much of said time as he was employed in running the line between the States of Massachusetts and Pennsylvania N York.³

FRIDAY, AUGUST 8, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York New Jersey Pensylv^a Delaware Maryland, Virginia North Carolina South Carolina and Georgia.

¹ *Papers of the Continental Congress*, No. 19, III, p. 243, in the writing of Mr. Abraham Clark. Read August 7 and passed August 8, 1788. See August 4, 1788.

² *Journals*, vol. XXXII, p. 129.

³ AUGUST 7, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 201, was referred to the Board of Treasury to report:

Petition of John Woods for the payment of a warrant in his favor drawn on Thomas Smith, loan officer of Pennsylvania. According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 37 this petition was received (read) August 7, 1788.

On the report ¹ of a com^{ee} consisting of Mr [Abraham] Clarke Mr [Hugh] Williamson and Mr [Jeremiah] Wadsworth to whom was referred a letter ² of Tho^s Hutchins Esq^r touching his salary.

Resolved That in the settlement of Mr T. Hutchins acco^t he be allowed for the whole of his time since passing the resolution ³ of the 23 of March 1787 except so much of the said time as he was employed in running the line between the states of Massachusetts and New York.

[Letter from the Office of Secretary at War respecting Indian affairs ⁴]

WAR OFFICE *August 8th 1788.*

SIR: The Secretary at War being absent, I have the honor to transmit to your Excellency letters from the Governor of the Western Territory dated Fort Harmar the 13th and 16th ultimo, with enclosures.

I have the honor to be, etc.,

WILLIAM KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letters of Secretary for Foreign Affairs transmitting correspondence]

OFFICE FOR FOREIGN AFFAIRS

7th August 1788 ⁵

SIR: I have the Honor to transmit to your Excellency herewith enclosed, two Letters ⁶ from M^r Dumas of 23^d March and 10th May

¹ See August 7, 1788.

² See August 4, 1788.

³ *Journals*, vol. XXXII, p. 129.

⁴ *Papers of the Continental Congress*, No. 150, III, p. 417, read August 8, 1788. St Clair's letter of July 13, is on pp. 421-425 with its enclosure, message of the Governor of the Western Territory to the Indian Chiefs, on pp. 437-440. The letter of July 16, is on pp. 431-434, with two enclosures on pp. 441 and 445-446. See August 11 and 12, 1788.

⁵ *Papers of the Continental Congress*, No. 80, III, p. 532, read August 8, 1788.

⁶ *Papers of the Continental Congress*, No. 93, IV, pp. 51 (translation on p. 55) and 67-69 (duplicate, pp. 71-73), respectively. A statement of the arrearages of Dumas, enclosed in the first letter, is on pp. 58-59. There is a note of Dumas, dated March 25, on p. 61. Letter No. 38, March 23, 1788, refers to the arrearages due to Dumas. No. 39, May 10, 1788, treats of affairs in Europe. See August 11, 1788.

August, 1788

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last, together with the Papers that accompanied them and Translations.

I have the Honor to be, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

8th August 1788¹

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, two Letters² of the 30th June and 2^d July last from his Excellency the Governor of Virginia, with the Papers referred to in the latter, and am with great Respect and Esteem, etc.,

JOHN JAY³

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, AUGUST 11, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York Pennsylvania Maryland Virginia North Carolina South Carolina and Georgia and from New Jersey M^r [Jonathan] Elmer and from Delaware M^r [Dyre] Kearny.

¹ *Papers of the Continental Congress*, No. 80, III, p. 536, read August 8 and referred on August 15, 1788.

² *Papers of the Continental Congress*, No. 71, II, pp. 627 and 631-637, respectively, read August 8, 1788. The enclosures mentioned are no. 1, An Act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America, on pp. 639-641, and no. 2, Extract from the Journal of the Council of Virginia, August 21, 1784, on p. 643. The letters discuss the complaint of Count de Moustier regarding the case of Joseph Marie Anne Ferrier. See June 13 and September 25, 1788.

³ AUGUST 8, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 201, the following committee was appointed:

Mr. Hugh Williamson, Mr. Alexander Hamilton and Mr. Abraham Clark on the letter of the Board of Treasury, August 4, 1788, copy of a letter of the Secretary at War, August 2, 1788, and a letter of Joseph Howell jr. to President of Congress, August 5, 1788, relating to the appointment of a Commissioner of Army Accounts. See August 5, 1788. Howell's letter is in *Papers of the Continental Congress*, No. 78, XII, p. 465. The committee was discharged and Howell was elected on August 28, 1788.

[Proceedings regarding troops in Pennsylvania ¹]

IN COUNCIL

PHILADELPHIA August 6th 1788.

GENTLEMEN: By direction of the board I have the honor to inform you, that we have this morning by express, received letters from Colonel Pickering, and other Officers of government in the County of Luzerne; from these it appears that matters have taken a more favorable turn than was at first apprehended; Colo: Pickering was liberated by the insurgents on the Sixteenth of July, and the men who carried him off are now by their petition praying Council to grant them a pardon. The proclamation issued by the board has produced the desired effect; two of the Rioters are now confined in Easton Jail, and some others in that of Luzerne, several have been wounded, and Dudley one of the most notorious died in Luzerne Jail of the wounds he received. Those of the Rioters who still remain are dispersed and seeking refuge on the Lakes. From this change of Affairs, and the accounts from the western waters which seem to indicate that the troops of the Union will be wanted in that quarter as well as from the shortness of the time limited for which the troops can possibly be spared, and the consideration that the chief end for which the application was made, is already answered, the board are induced to request you will be pleased inform the Honorable the Congress of the United States that we gratefully acknowledge the favor conferred on this State by so readily granting the assistance requested. but as the emergency has ceased, and as the State will now have time to Act deliberately, and as circumstances shall in future direct. We further request that the troops of the Union may now be directed to continue their route agreeably to their first destination. The board have in the mean time directed a Commissary to proceed to Easton to provide for the subsistence of the troops until further Orders.

¹ These proceedings were entered by John Fisher only in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 56-58. The order is also noted in the *Committee Book, Papers of the Continental Congress*, No, 190, p. 202. See July 25, 1788.

I have the Honor to be, Gentlemen, With great Respect your most obedient Hum^e Serv^t

(signed) P. MUHLENBERG

Honorable the DELEGATES OF PENNSYLVANIA IN CONGRESS
at New York.

IN CONGRESS, August 11th 1788

Ordered That the above letter be referred to the Secretary at War to take order.

[Report of Board of Treasury on monies due to French officers.¹]

The Board of Treasury to whom was referred an extract of a Letter of the 6th of August 1787, from the Honble. M^r Jefferson,

Beg leave to Report to Congress,

That the critical situation in which the provision for the payment of the Dutch Interest, has been for some time placed, has hitherto prevented the Board from recommending any appropriation of the Funds in Europe for any other object; but as information has lately been received that the Loans now open in Holland will furnish timely and sufficient Funds for the above object. The Board are of opinion, that no time should be lost in making Provision for the Payment of the Arrears of Interest due to Foreign Officers, agreeably to the Recommendation of the Minister of the United States at the Court of France, and therefore submit to the consideration of Congress the following Resolve. Viz^t

That so much of the Loans in Holland as shall be necessary to discharge the Interest due on Certificates issued to Foreign Officers to the 31st December 1788, be specially appropriated for that purpose, under the direction of the Minister of the United States at the Court of France.

passed
Aug. 20 1788

In order to ascertain the sum necessary for the above purpose, the Board beg leave to lay before Congress a Statement of the Interest due, and accruing to the period abovementioned.

All which is humbly submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

August 8th 1788.

¹ *Papers of the Continental Congress*, No. 138, I, pp. 631-633, read August 11 and passed August 20, 1788. The extract of Jefferson's letter is on pp. 635-636 and an account of the interest due to French officers is on pp. 640-641. See September 25 and October 2, 1787 (*Journals*, vol. XXXIII, pp. 536 and 598n).

[Letter from Office of Secretary at War respecting the Cherokees¹

WAR OFFICE August 11th 1788.

SIR: In the absence of the Secretary at War I have the honor to transmit to your Excellency, letters from Joseph Martin Esq^r Agent for the Cherokee Nation of Indians, dated Henry County Virginia the 10th and 15th Ultimo with enclosures.

I have the honor to be, etc.,

W^m KNOX²

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, AUGUST 12, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York Pennsylvania Delaware Mary-

¹ *Papers of the Continental Congress*, No. 150, II, p. 453, read August 11, 1788. The letters of Col. Martin are on pp. 443-446 and 449-451, with two enclosures on pp. 435-436 and 439. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 201, Colonel Martin's letters together with the letters of General Butler of July 18 and 19, of R. Winn of June 25 and of Governor St. Clair of July 13 and 16, 1788 (see August 1, 4 and 8, 1788) were referred to a committee, consisting of Mr. Edward Carrington, Mr. Jeremiah Wadsworth, Mr. William Irvine, Mr. Abraham Baldwin and Mr. Alexander Hamilton, which reported August 12, 1788.

² AUGUST 11, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202, the following committee was appointed:

Mr. Hugh Williamson, Mr. Samuel Allyne Otis and Mr. Abraham Baldwin on the memorial of Royal Flint, dated August 8 and read August 11, 1788, with reference to his proposed contract for land, *Papers of the Continental Congress*, No. 41, III, pp. 366-367, with a letter of transmittal to the President of Congress on p. 370. The report of this same committee, (which was appointed July 15, on the petition of George Morgan), rendered July 30, 1788, was also referred to this committee. The committee reported August 12 and this report was recommitted August 15. See June 25, July 1 and 8, 1788.

Also according to the *Committee Book* was referred to the Board of Treasury:

Copy of a letter of C.W.F. Dumas to J. Jay, March 23, 1788, together with accompanying account. See August 8, 1788.

According to indorsement was read:

Letter of M. le Comte Auguste de Grasse to [Congress], March 13, 1788, advising of the death of his father and requesting that he be allowed to retain the Eagle of Cincinnati. *Papers of the Continental Congress*, No. 59, III, p. 147, original in French with translation on p. 151.

land Virginia, North Carolina South Carolina and Georgia and from New Jersey Mr [Jonathan] Elmer.

[Report of committee on Indian affairs ¹]

The Committee consisting of [Mr. Edward Carrington, Mr. Jeremiah Wadsworth, Mr. William Irvine, Mr. Abraham Baldwin and Mr. Alexander Hamilton] beg leave to report in part as follows:

It appears to your committee from the letters of Governor S^t Clair, and other papers accompanying them, that sundry acts of Hostility have lately been committed on the part of the Indians in the Northern department upon the inhabitants in the Kentucky Settlement, upon boats passing down the Ohio, and upon the party which had been sent by the said Governor S^t Clair with Stores to the place appointed for holding the general treaty. Your Committee are of opinion that these Hostilities and the general Conduct of the Indians indicate an unfriendly disposition which renders the prospect of a successful treaty either of peace, or for the extinguishment of their claims to land, exceedingly precarious; that it is expedient that early measures be taken for placing the frontiers in a State of defence, and that it will be proper so to alter the instructions concerning the extinguishment of Indian claims to land, as to empower the Commissioners to extend the boundaries between the United States and the Indians as to them shall appear practicable, and for the advantage of the said United States. The following resolutions are therefore Submitted:

That the Executives of Virginia and Pennsylvania, be requested to give orders to the militia of their respective frontiers to hold themselves in readiness to Unite with the federal troops in such operations as the governor of the Western Territory may judge necessary for the protection of the frontier inhabitants, and that on the application of the said Governor the said Executives be requested to give orders that parts of their said militia, not exceeding 1000 for Virginia and 500 for Pennsylvania, be embodied, and to take such positions as the Commanding Officer of the federal troops shall direct, for acting in conjunction with the said federal troops in protecting and defending the frontiers against any hostilities commenced or meditated by the

¹ *Papers of the Continental Congress*, No. 30, pp. 339-341, in the writing of John Fisher with the preamble and the second resolve in the writing of Mr. Edward Carrington. Read August 12, 1788.

Indians, and in making such expeditions should they continue hostile as the said Governor shall direct for repelling such hostilities;

That the Commissioners for Indian Treaties be instructed, in the further purchases of Indian Rights to Land to extend the same as far as to them shall appear the most for the advantage of the United States, upon considering all circumstances, any former instructions prescribing certain limits notwithstanding.

On the report¹ of a com^{ee} consisting of Mr [Edward] Carrington Mr [Jeremiah] Wadsworth Mr [William] Irvine Mr [Abraham] Baldwin and Mr [Alexander] Hamilton to whom were referred sundry letters² and papers from the Gov^r of the western territory.

Resolved That the executives of Virginia and Pennsylvania be requested to give orders to the militia of their respective frontiers to hold themselves in readiness to unite with the federal troops in such operations as the gov^r of the western territory may judge necessary for the protection of the inhabitants; and that on the application of the said governor the said executives be requested to give orders that parts of their said militia not exceeding one thousand for virginia and five hundred for Pensylv^a be embodied and take such positions as the commanding officer of the federal troops shall direct for acting in conjunction with the said federal troops in protect^g and defending the frontiers against any hostilities commenced or meditated by the Indians and in making such expeditions should they continue hostile as the said gov^r shall direct for repelling such hostilities;³ That the militia which shall be called into the actual service of the United States for the defence of the frontier inhabitants or

¹ The proceedings on this report, with the exception of the vote, were entered by John Fisher, in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 58-60.

² See August 8 and 11, 1788.

³ The original of the portion of this resolve from this point to its end, in the writing of Mr. Edward Carrington, is in *Papers of the Continental Congress*, No. 30, p. 339a.

the purposes of any expedition shall be paid supported and equipped by the states from which the same may be respectively called, and that such state be credited for the same out of the existing specie requisitions so far as such expenditures shall be for pay and rations, which are to be computed on the federal establishments for similar services; provided that no charge for such service shall be valid unless supported by musters made by an officer of the federal troops agreeably to the orders of the commanding officer.

On the question to agree to this resolution, the yeas and nays being required by M^r [Abraham] Yates

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	ay	}ay
M ^r Dane	ay	
M ^r Thatcher	ay	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	

New York

M ^r L'Hommedieu	ay	}ay
M ^r Benson	ay	
M ^r Hamilton	ay	
M ^r Yates	no	

New Jersey

M ^r Elmer	ay	*
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Pennsylvania

M ^r Irvine	ay	}ay
M ^r Meredith	ay	
M ^r Armstrong	ay	

Delaware

M ^r Kearny	ay	}ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	}ay
M ^r Contee	ay	
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	}ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	ay	
M ^r Brown	ay	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Huger	ay	}ay
M ^r Tucker	ay	

Georgia

M ^r Few	ay	}ay
M ^r Baldwin	ay	

So it was resolved in the affirmative.

That the said governor be informed that, the foregoing resolution having been taken by Congress on an apprehension

that a war may be inevitable, he is to consider it as their earnest desire that all hostile measures may be avoided unless rendered indispensable to the safety and protection of the citizens of the United States.¹

Resolved That the commissioners for Indian treaties be instructed in the farther purchases of Indian rights to lands, to extend the same as far as to them shall appear for the advantage of the United States, upon considering all circumstances, any former instructions prescribing certain limits notwithstanding.

[Letter of Secretary for Foreign Affairs with letter of French minister²]

OFFICE FOR FOREIGN AFFAIRS

12th August 1788

SIR: I have the Honor of communicating to your Excellency herewith enclosed a Letter³ from the Count de Moustier of the 11th Instant, and am with great Respect and Esteem, etc.,

JOHN JAY⁴

His Excellency

THE PRESIDENT OF CONGRESS.

¹ The original of this paragraph of the resolves is in *Papers of the Continental Congress*, No. 30, p. 339b.

² *Papers of the Continental Congress*, No. 80, III, p. 544, read August 12, 1788.

³ *Papers of the Continental Congress*, No. 96, p. 474, with translation on p. 478, read August 12, 1788. It advises that Mr. Otto will be chargé during the minister's absence.

⁴ AUGUST 12, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 202 and *Reports of Committees*, *Papers of the Continental Congress*, No. 189, p. 37, the committee of August 11, 1788, on the application of George Morgan (recommitted) and the petition of Royal Flint, rendered its report. It is probable that this report was simply an emended form of the report on this subject rendered on July 30, 1788. No other report of August 12 appears in the *Papers of the Continental Congress*. This report was recommitted on August 15, 1788. See June 25, July 1, 8, and 15, 1788.

WEDNESDAY, AUGUST 13, 1788.

Congress assembled present as yesterday.

The order of the day¹ being called up for putting the constitution into operation, and The act as amended² was being read as follows,

³ Whereas the Convention Assembled in Philadelphia pursuant to the resolution of Congress of the 21st Feb^r 1787, did on the 17th of September in the same year report to the United States in Congress Assembled a Constitution for the people of the United States, whereupon Congress on the 28th of the same September, did resolve unanimously that the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted⁴ to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention made and provided in that case; and whereas the constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the secretary, therefore *resolved* that the first wednesday in Jan^r next be the day for appointing electors in the several states which before the said day shall have ratified the said constitution; that the first Wednesday in february next be the day for the electors to assemble in their states and vote for a president and that the first wednesday

¹ Organization of the government under the Constitution. See July 8, August 7, 26 and September 13, 1788.

² *Papers of the Continental Congress*, No. 23, p. 101-102, in the writing of a clerk, Charles Thomson and John Fisher. It is endorsed, "Aug. 13, 1788, question taken and lost".

³ Roger Alden takes up the entry.

⁴ Charles Thomson resumes the entry.

in March next be the time for commencing proceedings under the said constitution; and whereas a central situation would be most eligible for the sitting of the legislature of the United States, if such could be found in a condition to furnish in due time the accommodations necessary for facilitating public business and at the same time free of weighty objections which might render it improper or unlikely to be the seat of government either permanently or until a permanent seat can be agreed on, and whereas the most effectual means of obtaining finally the establishment of the federal government in a convenient central situation is to leave the subject to the deliberate consideration of the future Congress, uninfluenced by undue attachment to any of the places which may stand in competition for preference on so interesting a question and unembarrassed by want of time and means to fix on and prepare the most proper place for this purpose; and whereas the removal of the public offices must be attended with much expence danger and inconvenience which ought not to be incurred but with a well founded expectation of advantages that may fully counterbalance the same, and whereas no such advantages can be expected from a removal to any place now in a condition to receive the federal legislature and whereas in addition to the beforementioned reasons unnecessary changes in the seat of government would be indicative of instability in the national councils and therefore highly injurious to the interests as well as derogatory to the dignity of the United States therefore *resolved* that the city of New York in the state of New York be the place for commencing proceedings under the said constitution.

On the question to agree to the said act the yeas and nays being required by M^r [Theodore] Sedgwick

<i>New Hampshire</i>			<i>Delaware</i>	
M ^r Gilman	ay	}ay	M ^r Kearny	no
M ^r Wingate	ay		M ^r Mitchell	no
<i>Massachusetts</i>			<i>Maryland</i>	
M ^r Sedgwick	ay	}ay	M ^r Seney	no
M ^r Dane	ay		M ^r Contee	no
M ^r Otis	ay		M ^r Ross	no
M ^r Thatcher	ay			
<i>Connecticut</i>			<i>Virginia</i>	
M ^r Huntington	ay	}ay	M ^r Griffin	no
M ^r Wadsworth	ay		M ^r Madison	no
<i>New York</i>			M ^r Carrington	no
M ^r L'Hommedieu	ay	}ay	M ^r Lee	ay
M ^r Hamilton	ay			
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Elmer	ay *		M ^r Huger	ay
<i>Pensylvania</i>			M ^r Parker	ay
M ^r Irvine	no	}no	M ^r Tucker	ay
M ^r Meredith	no			
M ^r Armstrong	no			
			<i>Georgia</i>	
			M ^r Few	ay
			M ^r Baldwin	no

So the question was lost.

An ordinance ¹ was then moved by M^r [Dyre] Kearny seconded by M^r [Benjamin] Contee, which was read in the words following

An Ordinance for the establishing the times for appointing electors and chusing a president under the new constitution with the time and place for commencing proceedings under the said constitution agreeably to the resolves of the convention assembled in Philadelphia, of the 17 Sept 1787.

Whereas the convention assembled in Philadelphia pursuant to the resolution of Congress of the 21 of feb^r 1787 did on the 17 day of Sept in the same year report to the United

¹ *Papers of the Continental Congress*, No. 23, p. 97 in the writing of Mr. Dyre Kearny. Read the first time, August 13, 1788.

States in Congress assembled a constitution or form of government for the people of the United States, whereupon Congress on the 28 day of the same september did resolve unanimously that the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention made and provided in that case and whereas the constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the secretary thereof, be it therefore Ordained by the United States in Congress assembled that the first Wednesday in Jan^r next be the day for appointing electors in the several states which before the said day shall have ratified the said constitution, that the first Wednesday in feb^r next be the day for the electors to assemble in their respective states and vote for a president and that the first Wednesday in March next be the time and the place for commencing proceedings under the said constitution. Done etc.

On the question shall this Ordinance be read a second time the yeas and nays being required by M^r [Dyre] Kearny

<i>New Hampshire</i>			<i>Delaware</i>		
M ^r Gilman	no	}no	M ^r Kearny	ay	}ay
M ^r Wingate	no		M ^r Mitchell	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
M ^r Sedgwick	no	}no	M ^r Seney	ay	}ay
M ^r Dane	no		M ^r Contee	ay	
M ^r Otis	no		M ^r Ross	ay	
M ^r Thatcher	no		<i>Virginia</i>		
<i>Connecticut</i>			M ^r Griffin	ay	}ay
M ^r Huntington	no	}no	M ^r Madison	ay	
M ^r Wadsworth	no		M ^r Carrington	ay	
<i>New York</i>			M ^r Lee	no	
M ^r L'Hommedieu	no	}d ^d	<i>South Carolina</i>		
M ^r Hamilton	ay		M ^r Huger	no	}no
<i>New Jersey</i>			M ^r Parker	no	
M ^r Elmer	ay *		<i>Georgia</i>		
<i>Pensylvania</i>			M ^r Few	no	}d ^d
M ^r Irvine	ay	}ay	M ^r Baldwin	ay	
M ^r Meredith	ay				
M ^r Armstrong	ay				

So the question was lost.

The committee consisting of M^r [Abraham] Clarke M^r [Nathan] Dane M^r [Hugh] Williamson M^r [William] Bingham and M^r [Abraham] Baldwin to whom was referred a report¹ of the board of treasury having reported² a requisition for the year 1788 and the same being under debate, a motion³ was made by the delegates of North Carolina That 7.202 dollars be taken from the quota of North Carolina and added to the quota of South Carolina" and on the question to agree to this amendment the yeas and nays being required by M^r [Hugh] Williamson

¹ See July 9, 1788.

² See August 4, 1788.

³ *Papers of the Continental Congress*, No. 36, III, p. 407, in the writing of Mr. Hugh Williamson. This was motion no. 3 and was made by Mr. Hugh Williamson and seconded by Mr. John Swann.

New Hampshire

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachusetts

M ^r Sedgwick	no	}no
M ^r Dane	no	
M ^r Otis	no	
M ^r Thatcher	no	

Connecticut

M ^r Huntington	no	}no
M ^r Wadsworth	no	

New York

M ^r L'Hommedieu	no	}no
M ^r Yates	no	

New Jersey

M ^r Elmer	no	*
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Pensylvania

M ^r Irvine	no	}no
M ^r Meredith	no	
M ^r Armstrong	no	

Delaware

M ^r Kearny	no	}no
M ^r Mitchell	no	

Maryland

M ^r Seney	no	}no
M ^r Contee	no	
M ^r Ross	no	

Virginia

M ^r Griffin	no	}no
M ^r Carrington	no	
M ^r Lee	no	

North Carolina

M ^r Williamson	ay	}ay
M ^r Swann	ay	

South Carolina

M ^r Huger	no	}no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Baldwin	ay	no *
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So it passed in the negative.

A motion¹ was then made by the delegates of Delaware That the sum of 5238 $\frac{2}{3}$ dollars be deducted from the quota of the state of Delaware and added to the state of Georgia". On the question to agree to this the yeas and nays being required by M^r [Dyre] Kearny

¹ *Papers of the Continental Congress*, No. 36, III, p. 409, in the writing of Mr. Dyre Kearny. This was motion no. 4 and was made by Mr. Dyre Kearny and seconded by Mr. John Swann.

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	no	}no
M ^r Dane	no	
M ^r Otis	no	
M ^r Thatcher	ay	

Connecticut

M ^r Huntington	no	}no
M ^r Wadsworth	no	

New York

M ^r L'Hommedieu	no	}no
M ^r Yates	no	

New Jersey

M ^r Elmer	ay *
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Pennsylvania

M ^r Irvine	ay	}ay
M ^r Meredith	ay	
M ^r Armstrong	ay	

Delaware

M ^r Kearny	ay	}ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	}ay
M ^r Contee	no	
M ^r Ross	ay	

Virginia

M ^r Griffin	no	}no
M ^r Carrington	ay	
M ^r Lee	no	

North Carolina

~~M^r Williamson~~	ay	}ay*
M ^r Swann	ay	

South Carolina

M ^r Huger	no ay	}no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	no	}no
M ^r Baldwin	no	

So the question was lost.

[Letters of Secretary for Foreign Affairs transmitting
correspondence]

OFFICE FOR FOREIGN AFFAIRS

12th August 1788 ¹

SIR: I have the Honor of communicating to your Excellency herewith enclosed, a Letter of the 8th Inst. from the Honorable the Mayor of this City, transmitting a Copy of the Judgment of the Court against John Wessels, for violating the Privileges of the Minister of the United Netherlands. This Letter was received after the Adjournment of Congress on Friday last. I then wrote a Letter to that Minister, of which N^o 1 is a Copy, and received from him this Morning, an Answer,² of which N^o 2 contains a Copy and a Translation.

With great Respect and Esteem, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

OFFICE FOR FOREIGN AFFAIRS

12th August 1788 ³

SIR: I have the Honor of transmitting to your Excellency a Letter of the 2^d June last from Mess^{rs} Van Staphorsts of Amsterdam, and

¹ *Papers of the Continental Congress*, No. 80, III, p. 540, read August 13, 1788. The enclosed letter of James Duane to Jay, August 8, 1788, is on p. 410 with its enclosure on pp. 412-413. There is also a letter of Duane to Jay, June 12, 1788, on the same subject, on p. 398 with its enclosures on pp. 400-401, and 404. See March 25, 1788.

² *Papers of the Continental Congress*, No. 99, p. 293, dated August 11, 1788, original French, with translation on p. 297.

³ *Papers of the Continental Congress*, No. 80, III, p. 549, read August 13 and referred August 15, 1788. The enclosed letter is on pp. 553-554.

request the Orders of Congress relative to the Request contained in it.

With great Respect and Esteem, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS

THURSDAY, AUGUST 14, 1788.

Congress assembled, present New Hampshire Massachusetts Connecticut New York New Jersey Pennsylvania, Delaware Maryland, Virginia, North Carolina South Carolina and Georgia.

A letter¹ of 13 Aug. from Mr W[alter] Livingston one of the Commissioners of the board of treasury was read requesting leave of absence from the 18 instant to the last of next month, whereupon

Ordered That leave be granted to him accordingly.

[Report of committee on Indian affairs in the southern department²]

The Comm^y consisting of Mr [Thomas Tudor] Tucker, Mr [Jonathan] Dayton, and Mr [Hugh] Williamson to whom was refered a Letter from the War Office with papers from the Superintendant of Indian Affairs for the southern Department relating to the proposed Treaty with the ~~Greek~~ [southern] Indians, report

That it appears from an Estimate made by the Superintendant and the State Commissioners of South Carolina and Georgia, that at ~~the~~ ~~lowest~~ [a moderate] Computation about 10,000 Dollars will be necessary to the Accomplishment of the Treaty. This Estimate has the Sanction of the Opinion of the Governor of South Carolina so far as he considers himself to be an adequate Judge of the several Articles. As this Business is of very high Importance and admits of no Delay, the Committee are of Opinion that the Estimate ought to be allow'd, as there is no reason to doubt the good Intentions and adequate

¹ *Papers of the Continental Congress*, No. 78, XIV, p. 743, read August 14, 1788.

² *Papers of the Continental Congress*, No. 30, pp. 341-342, in the writing of Mr. Thomas Tudor Tucker. Passed August 14, 1788. See August 4, 1788.

Information of the Officers who made it, and more especially as no other Source of Information can at present be found in which Congress may safely confide. The Committee farther observe that it appears from the papers committed to them that the States of South Carolina and Georgia had furnish'd their Quotas of the 6000 Dollars granted for this Business by a Resolution of Congress of the 26th October 1787; but they do not find that the State of North Carolina has yet furnish'd or taken measures towards furnishing her Quota of the said Sum; nor do they understand discover that she has appointed or means to appoint a Commissioner to cooperate in the Business. Your [but they are inform'd that Official Information had not been receiv'd by the Legislature of North Carolina during their last Session concerning the recited said Resolution of Congress, whence they presume it is that North Carolina has neither appointed a Commissioner nor taken measures towards furnishing her Quota of the said Sum;] The Committee having consider'd the Subject are induced to recommend the following Resolutions.¹

On the report of a committee consisting of Mr [Thomas Tudor] Tucker Mr [Jonathan] Dayton and Mr [Hugh] Williamson to whom was referred a letter from the War Office with papers from the Superintendant of Indian Affairs for the Southern department relating to a proposed treaty with the Southern Indians

Resolved That a further sum of four thousand dollars or so much thereof as may be found absolutely necessary be allowed in addition to the six thousand dollars granted by a resolution of Congress of the 26 of Oct 1787 for defraying the expence of the treaty intended to be made with the southern Indians, and that the states of North Carolina, South Carolina and Georgia be required to furnish the same in equal sums, to be credited on their respective quotas of specie requisitions of Congress. That it be earnestly recommended to the state of North Carolina to furnish without delay her quota of the six thousand dollars before granted as well as

¹ The resolutions which follow at this point were entered in the *Journal verbatim*. See below.

of the four thousand dollars granted by this resolution, that no misfortune may happen from the want of sufficient funds to bring the treaty to a happy issue. And that it be also recommended to the said state or to the executive thereof to appoint a commissioner if possible in time to assist at the said treaty.

Resolved That if any of the states shall furnish more than its quota of either of the before mentioned sums, such state or states shall have credit for the whole sum furnished in like manner as expressed in the preceding resolution.

[Report of committee on memorial of U. Hay ¹]

The Committee consisting of [Mr. Egbert Benson, Mr. Edward Carrington and Mr. Joshua Seney] to whom was referred the Memorial of Udney Hay report as follows

Ordered That the Com^r of Army Accounts, in adjusting the claims of retiring Officers for 1 years pay in pursuance of the resolution² of the 24th of Nov. 1778 do consider the same as ~~Specie, and liable to no reduction whatever and that~~ as liable to no reduction by the scale of depreciation and as bearing Interest from the date of the said Resolution; ~~and~~ that all such claims which have heretofore been settled on other principles be reauditted, provided that application be made therefor within twelve months from the date hereof, and that this order be published in the Gazettes of the several States.

[Report of committee on the department of Foreign Affairs ³]

The Committee [consisting of Mr. Samuel Allyn Otis, Mr. Ezra L'Hommedieu, Mr. James R. Reid, Mr. Thomas Tudor Tucker and Mr. John Brown] appointed to enquire fully into the Proceedings of the Department of Foreign Affairs Report.

¹ *Papers of the Continental Congress*, No. 19, III, p. 141, in the writing of Mr. Edward Carrington. Read August 14, 1788. See August 1 and 15, 1788.

² *Journals*, vol. XII, pp. 1156-1157.

³ *Papers of the Continental Congress*, No. 25, II, p. 495-498, in the writing of Henry Remsen, jr., with the last paragraph by Benjamin Bankson. Read August 14, 1788. See July 7, 1788.

That two Rooms are occupied by this Department, one of which the Secretary reserves for himself and the Reception of such Persons as may have Business with him, and the other for his Deputy and Clerks.

That the Records and Papers belonging to the Department are kept in a proper Manner, and so arranged as that Recourse may be had to any of them without Delay or Difficulty.

That they find his Method of doing Business is as follows: the daily Transactions are entered in a minute Book as they occur, and from thence are neatly copied into a *Journal* at Seasons of Leisure. This Journal contains a Note of the Dates, Receipt and contents of all Letters received and written by him, with References to the Books in which they are recorded, of all Matters referred to him, and the Time when, and of his Reports thereupon; and in general of all the Transactions in the Department. It is very minute and at present occupies 2 Folio Vol^s.

His official Letters to the Ministers and Servants of Congress and others abroad, are recorded in a Book entitled *Book of foreign Letters*, and such Parts as required Secrecy are in Cyphers.

His official Correspondence with foreign Ministers here, and with the Officers of Congress and others in the United States, including the Letters received and written by him, are recorded at large in a Book entitled *American Letter book*. They already fill 3 folio Vol^s.

His Reports to Congress are recorded in a Book entitled *Book of Reports*, the 3 Vol. of which is now in Hand. The Papers on which the Reports are made are subjoined to the Report, unless in Cases where according to the ordinary Course of the Office, they are recorded in other Books.

His Correspondence and the Proceedings with the Encargado de Negocios of Spain, are recorded in a Book kept for that Purpose.

The Passports for Vessels issued by the Secretary under the Act of Congress of 12th February 1788, together with the Evidence accompanying the several Applications, are recorded in a Book kept for that Purpose.

The Letters of Credence and Commissions of foreign Ministers, Chargé des Affaires and Consuls to the United States, are recorded in a Book entitled *Book of foreign Commissions*.

There is also a Book kept and regularly sent to the Secretary of Congress, to receive such Acts of Congress as respect the Department.

A Book of Accounts is kept in which are entered the contingent Expences of the Office.

The Business of the Office is done by his Deputy and two Clerks, and whatever Time can be spared from the ordinary and daily Business, is employed in recording the Letters received from the American Ministers abroad. In this Work considerable Progress has been made. We find already recorded *one Vol.* containing the Letters of M^r Dana during his Mission to Russia, commencing 18th February 1780 and ending 17th December 1783, of M^r H. Laurens commencing 24th January 1780 and ending 30th April 1784, and of M^r John Laurens during his special Mission to Versailles, commencing 3^d January 1781 and ending 6th September following. *Five Vol^s* containing the Letters from M^r Adams commencing 23^d Decem^r 1777 and brought up to 10th April 1787, the 6th Vol. is now in Hand. *Two Vol^s* containing the Letters from M^r Jay commencing the 20th December 1779 and ending 25th July 1784. The Letters from M^r Deane commencing the 17th Septem^r 1776 and ending 17th March 1782 are recorded, and those from M^r Arthur Lee commencing 13th February 1776 and brought up to 15th February 1778, are now in Hand.

Those from D^r Franklin, M^r Jefferson, the first joint Commissioners, the joint Commissioners for negotiating a Treaty of Peace, and those for negotiating Treaties of Commerce, M^r William Lee, M^r Dumas and others are numerous, and are yet to be recorded.

The Letter Book of the late Committee for foreign Affairs composed of Sheets stitched together and much torn, has been fairly copied in a bound Book and indexed.

The Books used for these Records are of demy Paper, and each Vol. contains from 5 to 6 Quires of Paper, being all of a Size, except the two Vol^s of the Secretary's Reports which are somewhat less.

There is an Index to the Paper Cases, and to the Boxes in each Case, and to the Papers in each Box. In these Cases and Boxes are filed the original Letters and Papers belonging to the Office.

The Office is constantly open from 9 in the Morning to 6 O'Clock in the Evening; and either his Deputy or one of the Clerks remains in the Office while the others are absent at Dinner.

By inspection of the book of foreign Letters your Committee find that several timely efforts have been made to furnish M^r Carmichael with a Cypher; ~~which~~ [the] *last* [of which] they have reason to hope is

successful, and upon the whole they find, neatness, method and perspicuity throughout the Department.

[Report of Board of Treasury on memorial of J. Spencer ¹]

The Board of Treasury to whom was referred the Memorial of Josiah Spencer, late a Major General in the Service of the United States

Beg leave to Report

That the rules established for settling the Claims of Officers of the Army, will not admit of any other mode of adjusting the Account of the Memorialist, than the one proposed by the Assistant Commissioner of Army Accounts, without admitting the principle of computing Depreciation on advances made to the Army previous to the 1st of August 1780, a Principle which the United States in Congress have invariably adhered to, notwithstanding the numerous applications which have been made to induce a departure from the same.

As the case however of the Memorialist when compared with that of other General Officers who served in the Army, appears peculiarly hard, having never received any depreciation from the State; or even the benefit of one years pay, which was granted to supernumerary Officers, by the Resolve of Congress of 24th November 1778; the Board submit it to the consideration of Congress whether it might not be adviseable to grant to the Memorialist one years pay, in the same manner as if he had received leave of Absence in the mode prescribed by the Act abovementioned.

The early and disinterested Services of the Memorialist, his present advanced State of Life and the disadvantage he must labor under in the Settlement of his account, agreeably to the established rules, induce the Board with great deference to make this suggestion.

All which is humbly submitted.

August 14th 1788.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE ²

¹ *Papers of the Continental Congress*, No. 138, II, pp. 389-391, read August 14 and referred August 20, 1788. The covering letter of the Board is on p. 393. See August 5 and September 30, 1788.

² AUGUST 14, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202, the following committee was appointed:

Mr. Theodore Sedgwick, Mr. Abraham Clark and Mr. Edward Carrington, on the petition of Ann Ledyard for benefit of the allowance made to the widows of

FRIDAY, AUGUST 15, 1788.

Congress assembled. Present New Hampshire Massachusetts, Connecticut New York Pennsylvania Delaware Maryland, Virginia North Carolina and South Carolina and from New Jersey M^r [Abraham] Clarke and from Georgia M^r [Abraham] Baldwin.

On a memorial ¹ of Udney Hay

Ordered That the Commissioner of Army accounts in settling with Udney Hay agreeably to the resolution of the 22 of July last, make no deduction from the years pay on account of depreciation, and that interest be allowed from the 24 of Nov^r 1778.

[Report of Secretary of Congress on sundry letters ²]

Aug. 15, 1788.

On the letter ³ of the 8 from the Secretary for foreign affairs transmitting two letters of the 30 June and 2^d July last from his excellency the governor of Virginia and sundry papers referred to in the latter, touching the subject of which C^{te} Moutier complains in his note ⁴ of the 28 of May last.

deceased officers. *Papers of the Continental Congress*, No. 42, IV, pp. 430-431, read August 14, 1788. Report rendered August 28 and acted on September 1, 1788.

According to indorsement was read:

Letter of Edmund Randolph to President of Congress, August 4, 1788, relating to the Act of July 17, 1788 respecting lands between the Scioto and Miami rivers. *Papers of the Continental Congress*, No. 71, II, pp. 647-652. See August 20, 28 and September 1, 1788.

¹ See August 1 and 14, 1788.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 79. The several matters were referred in conformity with the report and the references are noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202.

³ See August 8, 1788.

⁴ See May 30, 1788.

The Sec^y of Congress reports

Ag^d That the letter of the 8 from the Sec^y for foreign affairs with the papers therein enclosed be referred back to the Sec^y for foreign affairs to report.

On the letter¹ of 2 June last from Mess N and J Van Staphorst, which was transmitted to Congress the 12 inst by the Sec^y for foreign affairs and in which Mess^{rs} Van Staphorst earnestly desire to be furnished with a compleat sett of the Journals of Congress as a mean of providing in the best manner the monies necessary to support the credit of the United States until the new government can be organized and operate to this effect; And to lay the foundation for transferring to the money lenders in Holland the debt due by the US to the crown of France.

Ag^d The Sec^y of Congress reports That the letter of the 2 June from Mess^{rs} Van Staphorst be referred to a Com^{ee}.²

On the petition³ of W Imlay Comm^r of the loan Office for the state of Connecticut representing the incompetency of his salary and the inequality of it compared with that of others and the business done in his office and praying for relief,

The Sec^y of Congress reports

Ag^d That the petition of W Imlay Com^r of the loan office for the State of Connecticut be referred to the board of treasury to report.

[Report of Secretary for Foreign Affairs on Georgia resolutions⁴]

OFFICE FOR FOREIGN AFFAIRS

14th August 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Resolution of the House of Assembly

¹ See August 13, 1788.

² According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202, this committee consisted of Mr. Hugh Williamson, Mr. Abraham Clark and Mr. Nathan Dane.

³ According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 38, the petition was received (read) August 14, 1788.

⁴ *Papers of the Continental Congress*, No. 81, III, pp. 79-80, read August 15, 1788. See May 29, August 20 and 26, 1788.

of Georgia of the 30th January last, with a Letter from Governor Zéspedes, dated at S^t Augustin in Florida 12th Decem^r 1784,

Reports.

That from these Papers it appears that sundry negroe Slaves belonging to Citizens of Georgia had fled to East Florida, and were there protected and detained.

That Application had been made on the Subject to the Governor of East Florida, and that although he has permitted those Fugitives to be apprehended and put in the keeping of Persons named by their Masters, yet that he cannot deliver them up without Instructions from his Court, which he has solicited, it having heretofore been the Practice of Florida not to deliver such Fugitives to Georgia, because the latter while under the british Government had refused to observe a reciprocal Conduct in that Respect.

That although in his Opinion these and similar Matters cannot be conveniently regulated but by Treaty, yet that for the present it would be proper to send Copies of these Papers to the Chargé des Affaires of the United States at Madrid, and instruct him to represent to his Catholic Majesty the Inconveniences which the States bordering on his Dominions experience from the Asylum afforded to their fugitive Slaves, to solicit his Orders to his Governors to permit and facilitate their being apprehended and delivered to thier Owners or to Persons authorized to receive them, and to assure his Majesty that the said States will observe the like conduct respecting all such Slaves belonging to his Subjects as may be found therein.

That it also appears to him expedient to communicate these Papers to the Encargado de Negocios of Spain and that it be signified to him by your Secretary, that his Interposition to obtain proper Regulations to be made on this Head, would be very agreeable to Congress.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

¹ AUGUST 15, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202, the following committee was appointed:

Mr. Hugh Williamson, Mr. Samuel Allyne Otis and Mr. Abraham Baldwin on their report of August 12, 1788, on the application of George Morgan. Report rendered August 28, 1788. See June 25, July 1, 8, 15, 30 and August 11, 1788.

According to indorsement was read:

Letter of Thomas Hutchins to President of Congress, August 15, 1788, announcing his departure for the Western territory. *Papers of the Continental Congress*, No. 60, p. 339.

MONDAY, AUGUST 18, 1788.

Congress assembled present as on friday last.

[Motion of Mr. Williamson on sale of lands ¹]

Motion M^r [Hugh] Williamson, for repealing Acts, empowering the B^d of treasury to make contracts for sale of Western territory.

[Letter from the Office of the Secretary at War ²]

WAR OFFICE August 18th 1788.

SIR: In the absence of the Secretary at War, I have the honor to transmit to your Excellency a letter from Joseph Martin Esquire Agent for the Cherokee Nation of Indians dated North Carolina Hillsborough July 25th 1788, with enclosures, and an extract of a letter from James White Esquire late Superintendent of Indian Affairs for the Southern District dated Hillsborough Aug^t 1st 1788.

I have the Honor to be, etc.,

W^m KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

WEDNESDAY, AUGUST 20, 1788.

Congress assembled present New hampshire Massachusetts Connecticut, New York New Jersey Pensylvania Delaware Maryland Virginia North Carolina South Carolina and Georgia,

¹ This entry in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202 is the only record of this motion. It was referred to a committee consisting of Mr. Jeremiah Wadsworth, Mr. Hugh Williamson, Mr. Thomas Tudor Tucker, Mr. William Irvine and Mr. Alexander Hamilton.

² *Papers of the Continental Congress*, No. 150, III, p. 393, read August 18, 1788. A copy of Col. Martin's letter is on pp. 413-414, with its enclosures on pp. 401-402, 405-406 and 409-410. That of Mr. White is on pp. 397-398. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 202, the papers were referred to a committee consisting of Mr. Hugh Williamson, Mr. Jeremiah Wadsworth and Mr. Abraham Baldwin, which reported August 20, 1788.

On the report ¹ of a committee consisting of Mr [Hugh] Williamson Mr [Jeremiah] Wadsworth and Mr [Abraham] Baldwin to whom were referred sundry letters from Col Martin,

Resolved That Joseph Martin esq^r be and he is hereby appointed agent for the Chickasaw nation of Indians together with the Cherokees with the powers that are described in the act of the 19th of June last.

The committee consisting of Mr [Abraham] Clarke Mr [Nathan] Dane Mr [Hugh] Williamson Mr [William] Bingham and Mr [Abraham] Baldwin to whom was referred the report ² of the board of treasury respecting a requisition for the year 1788 having reported ³ "That in order to ascertain whether any or what sums in specie it may be necessary to require of the states the present year they have taken a general view of the expenditures of every kind of the United States for several years past and including an estimate for the present year and have compared those expenditures with the provisions that have been made by Congress for discharging specie demands upon the Union during the same period, that on ascertaining the amount of the said expenditures from January 1, 1784 to Jan^y 1st 1788, the amount of the interest which accrued on the foreign debt previous to the year 1784 and the amount of the sums paid for services performed in the years 1782 and 1783 out of the requisition of 1784 they find that those expenditures,⁴ and the said Interest and ser-

¹ *Papers of the Continental Congress*, No. 30, p. 345, in the writing of Mr. Hugh Williamson. Read August 20, 1788. See August 18, 1788.

² See July 9, 1788.

³ See August 4, 1788. Printed copies, one signed by Charles Thomson, of the resolutions on the requisition for 1788 are in *Papers of the Continental Congress*, Broad-sides.

⁴ Roger Alden takes up the entry.

vices of 1782 and 1783, and estimate amount to the sums following viz.

Interest accrued on the foreign debt prior to 1784	Dollars 265, 548.
Foreign Interest which became due 1784, 1785, 1786 and 1787	1, 707, 571. 70
Foreign Interest which becomes due in 1788	468, 981. 75
Whole amount of foreign Interest to 1788, inclusive	2, 442, 101. 55
Parts of the principal of the foreign debt due, Of the french debt in 1787	462, 962. 82
ditto ditto 1788	462, 962. 82
Instalments of the foreign debt	925, 925. 74
Interest and parts of the principal of the foreign debt, which become due from the contracting thereof to 1788 inclusive	3, 368, 027. 49
Amount of payments for the said services performed in 1782 and 1783	230, 680. 33
Actual expenditures in the years 1784, 1785, 1786, and 1787 in the civil, military, Indian, contingent, invalid and Geographers Depart ^s	2, 111, 782. 34
Estimate for the Year 1788	326, 427.
Total Amount	6, 036, 917. 16
Having ascertained the expenditures aforesaid, the committee have found it necessary to enquire what parts of them have been actually paid, and they find these amount to	3, 168, 442. 46

And that the parts of the expenditures aforesaid, remaining unpaid, are as follows

Foreign Interest to the Year 1788, inclusive	1, 521, 116. 33	
The principal aforesaid of the foreign debt, becoming due in 1787, and 1788	925, 925. 74	
Arrearages of expenditures in the years 1784, 1785, 1786 and 1787, in the departments aforesaid	181, 005. 43	
Parts of the estimate of the present year unpaid	240, 427.	
		2, 868, 474. 60

The committee having ascertained the extent of the public expenditures, and the amount of the unsatisfied demands which have heretofore arisen, and which arise the present Year, against the Union as aforesaid, proceeded to examine the extent of the provisions already made by Congress, and the parts thereof which may be applied to discharge the unsatisfied demands aforesaid, and they find that the,

Specie requisitions made since Jan ^y 1 st 1784 amount to	5, 173, 673. 22	
That the foreign loans contracted since Jan ^y 1 st 1784, amount to	1, 600, 000	
		6, 773, 673. 22
Whole amount of provisions		
That of the said requisitions there is now due from the States, making a reasonable allowance for what they may have paid to Invalids, sums amounting to	3, 292, 594. 7	

Which sums may be applied to pay the unsatisfied demands before stated.

That though a considerable part of the loans before mentioned was applied to discharge debts of the late war, and 338,640 dollars thereof must be reserved for paying interest on the dutch loans, which will become due in the Years 1789, and 1790, yet 71,093 dollars, the proceeds of the said loans, may be applied to pay the unsatisfied demands above stated, hence the provisions already made and unapplied are,

The Arrearages of specie requisitions, amounting to	3, 292, 594. 7
Parts of the loans made in Holland, amounting to	71, 093.
Proceeds of Jones's captures, comprehended in the expenditures, etc.	20, 772. 55
	3, 384, 459. 62

By this statement it appears that there is a surplus provision already made beyond the demands in specie, of the Year 1788, and of the preceeding Years of 854,625. 2 dollars, including the provision for the dutch Interest in 1789, and 1790; so that it will not be necessary to require any specie of the States the present Year, beyond the arrearages of the past requisitions. As the past requisitions were calculated to the expenditures of the Years in which they were made, and the Invalid pensions, and some other expences were not included in the Estimates, and as no requisition for specie was made last Year, and none by the above statement appears to be necessary this, it may be proper to shew briefly how this happens.

As the dutch Interest which will become due in the Years 1789 and 1790, is already provided for by the late dutch

loans, and as the whole foreign Interest, and parts of the principal of the foreign debt which become due the present year are already provided for, and as the respective States owe large arrearages of requisitions, and have large internal demands upon them as individual States to satisfy, and their means of paying them must soon be diminished considerably, the committee are of opinion, that it is not adviseable to require the respective States to make provision for paying the Interest, and such parts of the principal of the foreign debt, as will not become due till some time in the Year 1789. In this case, the specie demands upon the United States for the present and preceeding years amount to 2,868,474.60 dollars to be discharged by surplus provisions of Foreign loans, and preceeding requisitions which as before stated, amount to 3,363,687. 7.

Not to particularize several Instances in which the estimates have in no great degree exceeded the actual expenditures, the surplus provisions will be principally found under the few following heads; In the requisition for the Year 1784, 1,000,000 of dollars were provided for the services of 1782 and 1783, 769,320 dollars of which were not applied to those objects, in the same requisition 161,461.57 dollars were required and not appropriated, and in the requisition of 1786, there was a surplus called for by mistake of 333,111, and a large surplus has arisen in the past requisitions by applying a considerable part of the late dutch loans to paying foreign Interests etc.; to pay which, appropriations in those requisitions had been made; past appropriations have also been eased considerably by other means. It is to be observed that the loans made by the United States in Holland in the Years 1787 and 1788, amount when filled to 800,000 dollars; that provision is made in the past requisitions of Congress for sinking the principal of the foreign debt, 925,925.74 dollars; so that when the States shall seasonably pay up the arrears of

past requisitions, Congress will be enabled to lessen the foreign debt, notwithstanding the said loans of 1787 and 1788, to pay the Interest due on the foreign debt to the Year 1788 inclusive, to pay the current expences of the federal Government of the present and preceeding years, and to be provided in some measure for the demands of the Year 1789.

Under these circumstances the Committee are of opinion, that the monies lately borrowed in Holland be applied solely to discharging the dutch Interest, and certain demands arising against the United States in Europe; that an adequate sum of the arrears due of the past requisitions be appropriated for the services of the present Year, and that one Years Interest on the domestic debt be called for and made payable in Indents;" whereupon,

Resolved That of the arrearages due on the requisitions of 1784, 1785, and 1786, be and there is hereby appropriated for the services of the present year, the sum of three hundred and twenty six thousand, four hundred and twenty seven dollars, and for the following purposes, to wit,

For the civil Department	108, 587. 60 Dollars
Military department	119, 839. 30
Surveys of western lands	4, 000
Indian Treaties	20, 000
Invalid Pensions	58, 000
Contingencies	16, 000
	326, 427

Resolved, That the States be and they are hereby required to pay into the treasury of the United States on or before the first of July next, the sum of one million six hundred and eighty six thousand, five hundred and forty one dollars, and twelve ninetieths of a dollar, being the amount of one Years Interest on the domestic debt of the United States;

and that the quotas of the several States of the aforesaid sum be as follows, to wit:

New Hampshire	59, 258	dollars
Massachusetts	252, 339. 63	
Rhode Island	36, 326. 18	
Connecticut	148, 516. 18	
New York	144, 185. 57	
New Jersey	93, 728. 36	
Pensylvania	230, 698. 18	
#Delaware	25, 238. 72	
Maryland	159, 096. 81	
Virginia	288, 391. 18	
North Carolina	122, 564. 54	
South Carolina	108, 160. 54	
Georgia	18, 036. 63	

1, 686, 541. 12

on the question for apportioning the quota of the State of Delaware, the yeas and Nays being required by M^r [Dyre] Kearny,

New Hampshire

M ^r Gilman	ay	}ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	ay	}ay
M ^r Dane	ay	
M ^r Thatcher	no	

Connecticut

M ^r Huntington	ay	}ay
M ^r Wadsworth	ay	

New York

M ^r Hamilton	ay	}ay
M ^r Yates	ay	

New Jersey

M ^r Clark	ay	}ay
M ^r Dayton	ay	

Pensylvania

M ^r Irvine	ay	}ay
M ^r Reid	ay	

Delaware

M ^r Kearny	no	}no
M ^r Mitchell	no	

Maryland

M ^r Seney	no	}no
M ^r Ross	no	

(See bottom page 440 for remainder of vote.)

Resolved, That the several States be allowed to discharge their respective quotas of the said sum by Indents for Interest on loan office certificates, and upon other certificates of the liquidated debts of the United States, in such manner as they ~~may~~ Judge most expedient, and to ascertain the evidence of Interest due on loan Office certificates, the holders thereof respectively shall be at liberty to carry them to the Office from which they issued; and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan Officer of that state wherein they are Inhabitants, or if foreigners, to any loan Office within the

Virginia

M ^r Griffin	ay	} ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	ay	

North Carolina

M ^r Williamson	ay	} ay
M ^r Swann	ay	

South Carolina

M ^r Huger	ay	} ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	} ay
M ^r Baldwin	ay	

so it passed in the affirmative.

United States, and to have the Interest thereon settled and certified to the last day of the Year 1787.*

Resolved, That the foregoing requisition for 1,686,541.12 dollars, when paid, shall be passed to the credit of the States respectively, on the terms prescribed by the Resolve¹ of Congress of the 6th day of October 1779.

New Hampshire

M ^r Gilman	ay	} ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	ay	} ay
M ^r Dane	ay	
M ^r Thatcher	ay	

Connecticut

M ^r Huntington	ay	} ay
M ^r Wadsworth	ay	

New York

M ^r Hamilton	ay	} ay
M ^r Yates	ay	

New Jersey

M ^r Clark	ay	} ay
M ^r Dayton	ay	

Pensylvania

M ^r Irvine	ay	} ay
M ^r Reid	ay	

Delaware

M ^r Kearny	no	} d
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	} ay
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	} ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	ay	

North Carolina

M ^r Williamson	ay	} ay
M ^r Swann	ay	

So Carolina

M ^r Huger		} ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	} ay
M ^r Baldwin	ay	

So it was resolved in the affirmative.

* on the question to agree to this resolution, the Yeas and Nays being required by M^r [Dyre] Kearny,

¹ *Journals*, vol. XV, p. 1147.

Resolved, That the board of treasury furnish the several loan Officers with Indents to be issued for Interest as aforesaid, and also with such checks and Instructions, as they from time to time shall judge necessary, to prevent counterfeit certificates of debts from obtaining a settlement of Interest, and to detect counterfeit evidence of Interest, and thereby to avoid receiving them in discharge of taxes: which Indents of Interest being parted with by the holder of the principal shall be deemed evidence that he has received satisfaction for the same, and shall be receiveable from any State in the Union, whether issued in such State or any other State.

Resolved, That the State paying such Indents of Interest into the treasury of the United States shall have credit for the same, and such payment shall be considered as a discharge of Interest on the domestic debt, in the proportion that each state avails itself of the said Indents of Interest, but no state shall have a right to pay more than its quota as specified in the existing requisitions of Congress in the said Indents of Interest.

Resolved That the board of treasury be, and they are hereby directed to transmit to each State an account of their respective arrears on requisitions in specie and Indents and to state to them the necessity there is of their making payments of their arrears in specie to enable Congress to discharge the current expences of the federal Government and the Interest and parts of the principal of the foreign debt which are become due and remain unpaid.

¹ On a report ² of the board of treasury to whom was referred an extract ³ of a letter of the 6 of Aug 1787 from Mr Jefferson

Resolved That so much of the loans in Holland as shall be necessary to discharge the interest due on certificates issued to foreign officers to the 31 of Dec^r 1788 be specially appropriated for that purpose under the direction of the minister of the United States at the court of France.

On a report ⁴ of the board of treasury to whom was referred a memorial ⁵ of Francis Mentges late a lieut col in the service of the United States, claiming a compensation for extra services whilst superintending the hospitals in the state of Virginia.

Resolved That the memorial of Francis Mentges late a lieutenant col. in the Pennsylvania line be dismissed, the prayer thereof being inadmissable.

[Motion of Delegates of Virginia respecting settlement of accounts ⁶]

Whereas the General Assembly of Virginia did on the 29th of October 1787 instruct the Delegation of that State to ~~move~~ Congress

¹ Charles Thomson resumes the entry.

² See August 11, 1788.

³ See September 25 and October 2, 1787 (*Journals*, vol. XXXIII, pp. 536 and 598n.

⁴ See April 18, 1787 (*Journals*, vol. XXXII, p. 211.)

⁵ See March 1, 1787. (*Journals*, vol. XXXII, p. 83n.)

⁶ *Papers of the Continental Congress*, No. 26, pp. 693 and 691, in the writing of Mr. Edward Carrington. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 203, the motion was referred to the Board of Treasury to report. Report rendered September 10 and acted on September 11, 1788.

urge Congress to authorise the Commissioner appointed to receive the Accounts of the said State against the U.S, to admit as authentic documents, the Books of the Treasurer and Auditor in support of claims for advances of money ~~for the~~ on account of the said U. S. from the 1st of Sep^r 1775 to the 4th of Jan^y 1781, the Vouchers for the said advances during that Period having been destroyed or burnt by the Enemy in Arnolds Invasion.

Therefore *Resolved* that the Commissioner appointed to receive the accounts and vouchers of the state of Virginia against the U. S., be and hereby is directed and authorised to admit the Books of the Auditor and Treasurer of the said State as authentic documents to validate the claims thereof for monies advanced on account of the U. S. from the 1st of September 1775 to the 4th of Jan^y 1781 in all cases where it shall appear to the satisfaction of the said Commissioner that the vouchers have been destroyed as set forth by the said General Assembly.¹

¹ AUGUST 20, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 203, the following committees were appointed:

Mr. Abraham Clark, Mr. Hugh Williamson, Mr. Abraham Baldwin, Mr. Jeremiah Wadsworth and Mr. Alexander Hamilton on their report on the contract with Jarvis for copper coins. See August 4, 1788. The committee reported September 16, 1788. See also July 16 and August 27, 1788.

Mr. Alexander Hamilton, Mr. Theodore Sedgwick and Mr. James Madison on the report of the Secretary for Foreign Affairs on the resolution of Georgia respecting fugitive negroes. See August 15, 1788. The committee reported August 26, 1788.

Mr. Nathan Dane, Mr. Hugh Williamson, Mr. Abraham Clark, Mr. James Madison and Mr. Joshua Seney on the letter of the Governor of Virginia of August 4, 1788, respecting the Act of July 17, 1788. See August 14, 1788. The committee reported August 28, 1788. See also September 1, 1788.

Mr. Jeremiah Wadsworth, Mr. Alexander Hamilton and Mr. Abraham Clark on the report of the Board of Treasury on the claim of Joseph Spencer. See August 5 and 14, 1788. The committee reported September 30, 1788.

Also according to the *Committee Book*, was referred to the Board of Treasury to take order:

The committee report on the letter of the Board of Treasury, respecting the reservation of Presque Isle. See July 22 and 30, 1788. This report and the order thereon were entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 60-61.

THURSDAY, AUGUST 21, 1788.

Congress assembled present as yesterday.

On the report ¹ of a committee to whom was referred a letter ² of Samuel Frauncis and a report ³ of the board of treasury to whom was referred a petition ⁴ of the said S. Frauncis

Resolved ⁵ That the advances already made and sums paid to Samuel Frauncis in consequence of the act ⁶ of 4 April 1785 are a full compensation for all his demands against the United States and that he have leave to withdraw his petition.

On a report ⁷ of the board of treasury to whom was referred a memorial ⁸ of Samuel Montgomery

Resolved That the application of Samuel Montgomery for the reimbursement of certain damages stated to have been sustained by him while acting in the department of Indian affairs be dismissed, the memorialist having no claim against the United States.

¹ See May 11, 1787. (*Journals*, vol. XXXII, pp. 290-291.)

² See May 3, 1787. (*Journals*, vol. XXXII, p. 257n.)

³ See March 22, 1786. (*Journals*, vol. XXX, pp. 125-126.)

⁴ See March 13, 1786. (*Journals*, vol. XXX, p. 112n.)

⁵ This resolve was taken upon a second application of Fraunces, as is indicated by the indorsement on a copy of his petition of March 5, 1785, which is in *Papers of the Continental Congress*, No. 41, III, pp. 296-298. See March 15, 1785. (*Journals*, vol. XXVIII, p. 163n.)

⁶ *Journals*, vol. XXVIII, p. 228.

⁷ See July 30, 1788.

⁸ See July 22, 1788.

[Report of Board of Treasury on petition of T. Donellan¹]

The Board of Treasury to whom was referred a Petition of Thomas Donellan.

Beg leave to Report

That the Memorialist solicits the renewal of a Certificate issued by Timothy Pickering late Quarter Master General of the American Army for 308 Dollars, which was destroyed by a fire which consumed his dwelling House in the Town of Baltimore in the Month of Decem^r 1785.

On the above Memorial, the Board beg leave to Report

That by a Register filed in the Treasury; it appears that the Certificate above stated was actually issued; and by a deposition of the Memorialist, that it was destroyed, as set forth in the said Memorial.

That the said Certificate can in fact be considered in no other light, than a Voucher proving the delivery of certain supplies, for the Public use; and, as it has been customary under the Act² of the 3rd of June 1784, to permit persons furnishing such supplies to substantiate their claims (when written Vouchers were deficient) by other satisfactory evidence; The Board are of opinion that a Certificate of the same Amount as the one destroyed, may be issued to the Memorialist, by the Register of the Treasury; more particularly, as the Certificate stated to have been consumed (was it still existing) could not now be taken up, at any other Office than that of the Treasury; This was not the case when the application for renewal was first made to this Board; and therefore to avoid a precedent productive of great abuse, they did not at that time judge it adviseable to comply with the application.

The commissioners therefore submit it to the consideration of Congress, whether under the circumstances above stated it would not be proper to refer the application of the Memorialist to this Board to take order.

All which is humbly Submitted.

August 21st 1788.

SAMUEL OSGOOD
ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 138, I, pp. 287-289, read August 21, 1788. The covering letter of the Board also read is in *Papers of the Continental Congress*, No. 140, I, p. 599. See February 11, 1788.

² *Journals*, vol. XXVII, pp. 541-544.

FRIDAY, AUGUST 22, 1788.

Congress assembled present as before.

[Letter from the Office of Secretary at War respecting a Chippewa outrage ¹]

WAR OFFICE 22^d Aug^t 1788.

SIR: In the absence of the Secretary at War I have the honor to transmit to your Excellency the copy of a letter received yesterday from the Governor of the Western Territory dated at Fort Harmar the 22^d Ultimo.

I have the honor to be, etc.,

W^m KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary of Foreign Affairs on expences of Thomas Jefferson ²]

OFFICE FOR FOREIGN AFFAIRS

22^d August 1788

SIR: I have lately received a private letter from M^r Jefferson, speaking of his Accounts with the public, he mentions an article respecting which he is much at a loss, Viz^t his Outfit, comprehending Household Furniture, carriage and cloaths. Several Reasons lead him to think that these Expences should be defrayed by the Public; but as no Act of Congress expressly warrants his charging them, he has his Doubts, and requests to be informed.

It appears to me most proper to suspend writing to M^r Jefferson on the Subject, that by submitting the Question to Congress I may

¹ *Papers of the Continental Congress*, No. 150, III, p. 385, read August 22, 1788. A copy of Governor St. Clair's letter is on pp. 381-382.

² *Papers of the Continental Congress*, No. 80, III, pp. 573-574, read August 22, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 203, the letter was referred to the Secretary for Foreign Affairs to report. The Secretary did not report but requested commitment. See September 3 and October 2, 1788.

be enabled to answer it in a Manner that will be satisfactory and conclusive.

I have the Honor to be, etc.,

JOHN JAY¹

His Excellency

THE PRESIDENT OF CONGRESS

MONDAY, AUGUST 25, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York, Pensylvania Delaware Maryland, Virginia, North Carolina South Carolina and Georgia and from New Jersey Mr [Jonathan] Dayton.

On Motion of Mr [Thomas Tudor] Tucker seconded by Mr [John] Parker

Ordered That the board of treasury take Order for paying the bill for one hundred and sixty dollars drawn by the commissioners of the said board on the loan Officer in the State of South Carolina in favour of David Oliphant, pursuant to the resolution² of Congress of 10 Oct^r 1786.

The report³ of the com^{ee} to whom was referred a letter⁴ from Baron de Steuben being called for and read up and the same having been read in the words following:

⁵ The committee consisting of Mr [Nicholas] Gilman, Mr [Samuel Allyne] Otis, Mr [Hugh] Williamson, Mr [Edward] Carrington and Mr [Ezra] L'Hommedieu, to whom was referred a letter from the Baron de Steuben requesting an adjustment of his claims on the principles of a contract, alledged to have been entered into between him and the

¹ AUGUST 22, 1788. According to indorsement was read:

Letter of Josiah Harmar to Charles Thomson, July 23, 1788, respecting despatches forwarded to Kentucky and the conduct of the Indians. *Papers of the Continental Congress*, No. 163, pp. 498-499.

² *Journals*, vol. XXXI, p. 761.

³ See July 25, 1788.

⁴ See June 4, 1788. See also July 7 and 9, 1788.

⁵ Roger Alden takes up the entry.

United States, previous to his engaging in their service, submit the following report,¹ viz.

That in Jan^y 1778 Congress rec^d a letter² from the Baron de Steuben dated Portsmouth Dec^r 6th 1777 in the words following, viz. "Honorable Gentlemen, the honor of serving a respectable nation engaged in the noble enterprize of defending its rights and liberty, is the only motive that brought me over to this Continent. I ask neither riches nor titles. I am come here from the remotest end of Germany at my own expence, and have given up an honorable and lucrative rank. I have made no condition with your deputies in france, nor shall I make any with You. My only Ambition is to serve You as a Volunteer, to deserve the confidence of Your General in Chief, and to follow him in all his operations, as I have done during seven campaigns with the King of Prussia; two and twenty years past at such a school, seem to give me a right of thinking myself in the number of experienced Officers; and if I am possessor of some talents in the Art of War, they should be much dearer to me, if I could employ them in the service of a Republic such as I hope soon to see America. I should willingly purchase at my whole bloods expence the honor of seeing one day, my name, after those of the defenders of your liberty. Your gracious acceptance will be sufficient for me; and I ask no other favor than to be received among Your Officers. I dare hope you will agree this my request, and that You will be so good as to send me Your orders to Boston, where I shall expect for them, and accordingly take convenient measures. I have the honor to be with respect, honorable Gentlemen, Your most obedient and very humble servant. (signed) Steuben."

¹ See July 25, 1788.

² *Papers of the Continental Congress*, No. 19, V, pp. 547-548, read January 13, 1778.

Whereupon Congress resolved,¹ "That the President present the thanks of Congress in behalf of these United States to Baron Steuben for the zeal he has shewn for the cause of America, and the disinterested tender he has been pleased to make of his military talents, and inform him that Congress cheerfully accept of his service as a volunteer in the army of these States, and wish him to repair to General Washington's Quarters as soon as convenient." Your committee further report, that on the Barons arrival at York town, the seat of Congress in Feb^y 1778, the committee consisting of M^r Witherspoon, M^r M^cKean, M^r F. L. Lee and M^r Henry, appointed to confer with him, made their report ² to Congress in the words following, viz.

"The Baron Steuben who was a Lieutenant General and Aid de camp to the King of Prussia, desires no rank, is willing to attend General Washington, and be subject to his orders, does not require or desire any command of a particular corps or division, but will serve occasionally as directed by the General, expects to be of use in planning encampments, etc. and promoting the discipline of the Army, he heard before he left france of the dissatisfaction of the Americans with the promotion of foreign Officers, therefore makes no terms, nor will accept of anything but with general approbation, and particularly that of General Washington." Letters and certificates from different Gentlemen to the Baron, expressing their sense of the contract alledged to have been made by him, have also been laid before Your Committee. But the above report and the preceeding Act of Congress being the only records on this subject, your Committee do not find that any demand was made by the Baron of indemnification for

¹ January 14, 1778. *Journals*, vol. X, p. 50.

² *Papers of the Continental Congress*, No. 19, V, p. 585; copy attested by G^r Washington.

Offices, which he may have relinquished in Germany, nor any promise of such Indemnification made by Congress.

Your Committee further report that in Dec^r 1782, the Baron addressed a letter¹ to the President of Congress requesting a committee to enquire into and report his situation and pretensions; which being granted he stated his pretensions in the words following, viz. "My demands were these, to join the army as a volunteer, that I wished to be known by the Commander in Chief, and to leave it to the Officers of the Army if my capacity entitled me to hold a commission in it, that the General could employ me in such a branch, where he thought my services the most useful, that I was determined not to ask a favor or a reward previous of having deserved it. That however I expected from the generosity of Congress, that in imitation of all European powers they would defray my expences, although a Volunteer, according to the rank which I held in Europe, as well for myself as my Aids and servants." Your committee further report, that although the Baron has disclaimed any preliminary stipulations for reward, and though Congress do not appear to have engaged to indemnify him for emoluments that may have been given up in Europe, yet he has received from Congress, strong and singular proofs of their desire to place him in easy circumstances; and under the different heads of allowance for expences, pay as Major General and Inspector, commutation of half pay for life, and a subsequent grant, according to the statement made by the commissioner of Army Accounts, he has received above forty four thousand dollars in specie, or other money reduced to specie value, besides provisions and forage to a large amount; and of the specie, more than thirty two thousand and nine hundred dollars have been paid since the beginning of the Year 1784.

¹ Steuben to Elias Boudinot, December 5, 1782, read December 10. *Papers of the Continental Congress*, No. 19, V, pp. 553-556.

In consideration of the foregoing facts and all circumstances, Your committee are of opinion, that although the Baron Steuben has no claims against the United States founded on a contract, yet considering the merit and services of the Baron Steuben, and the peculiarity of his situation, your Committee beg leave further to report, that he be allowed at the rate of dollars per Annum during his natural life.¹

A motion was made by Mr [Alexander] Hamilton seconded by Mr [Henry] Lee, that the said report be committed,² and on the question for commitment, the Yeas and Nays being required by Mr [Nicholas] Gilman.³

¹ Before agreeing to the commitment of this report three suggestions or amendments were offered. These are in *Papers of the Continental Congress*, No. 19, V, pp. 503 and 505 and are as follows:

(a) "Altho' Baron Steuben is not by express Stipulation intituled to any farther Sum, yet having perform'd very essential and valuable Services, resting on the Success of the Revolution and the Generosity and Ability of Congress for his Reward, it is proper that such Relief shou'd be given as the present Circumstances of the United States will warrant. therefore resolved." This is in the writing of Mr. Thomas Tudor Tucker.

(b) "That altho the Baron de S[teuben] has no claims against the U. S. founded on contract, yet considering the merits and services of and the peculiarity of his situation."

(c) "That altho' the contract upon which the Baron De Steuben states his claims against the United States to be founded does not appear on the files upon any of the records or to the entire satisfaction of Congress."

² According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 204, the committee consisted of Mr. James Madison, Mr. Theodore Sedgwick, Mr. Alexander Hamilton, Mr. Edward Carrington and Mr. Thomas Tudor Tucker. It reported September 11, 1788.

³ A draft of this proceeding in the writing of Charles Thomson is in *Papers of the Continental Congress*, No. 19, V, p. 507.

<i>New Hampshire</i>			<i>Delaware</i>	
M ^r Gilman	ay	}d.	M ^r Kearny	ay
M ^r Wingate	no		M ^r Mitchell	ay
<i>Massachusetts</i>			<i>Maryland</i>	
M ^r Sedgwick	ay	}ay	M ^r Ross	ay *
M ^r Dane	ay		<i>Virginia</i>	
M ^r Thatcher	ay		M ^r Griffin	ay
<i>Connecticut</i>			M ^r Madison	ay
M ^r Huntington	ay	}ay	M ^r Carrington	ay
M ^r Wadsworth	ay		M ^r Lee	ay
<i>New York</i>			<i>North Carolina</i>	
M ^r Hamilton	ay	}ay	M ^r Williamson	ay
M ^r Gansevoort	ay		M ^r Swann	no
M ^r Yates	no		<i>South Carolina</i>	
<i>New Jersey</i>			M ^r Parker	ay
M ^r Dayton	ay *		M ^r Tucker	ay
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r Irvine	ay	}ay	M ^r Few	ay
M ^r Meredith	ay		M ^r Baldwin	ay
M ^r Bingham	ay			

¹ So it was resolved in the affirmative.

[Motion of Mr. Kearny on mail contracts²]

Resolved That the Post Master General be authorized and directed to enter into Contract with any suitable Person or Persons for the Regular Transportation of the mail once in every week from Wilmington in the State of Delaware to Dover in the Said State, upon the principles of the Resolution ³ of Congress relative thereto of the 15th of February 1787. and if such Contract cannot be carried into Effect upon the Principles of the Resolution aforesaid by the Day of next, that the Establishment be made at the Expence of the General Post Office.

¹ Charles Thomson resumes the entry.

² *Papers of the Continental Congress*, No. 61, p. 577, in the writing of Mr. Dyre Kearny. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 203, the motion was referred to the committee on the Post Office department, appointed July 7, 1788, which consisted of Mr. Paine Wingate, Mr. John Swann, Mr. Nathan Dane, Mr. James R. Reid and Mr. Dyre Kearny. Mr. Kearny replaced Mr. Peleg Arnold on this date. The committee reported August 28, 1788. Acted on August 29, 1788. See August 27, 1788.

³ *Journals*, vol. XXXII, p. 59-60.

[Letter of Secretary for Foreign Affairs transmitting memorial of J. Lawrence¹]

OFFICE FOR FOREIGN AFFAIRS

22^d August 1788.

SIR: I have the Honor of transmitting to your Excellency, herewith enclosed, a Memorial ² from Jesse Laurence, complaining of Trespasses committed on him, at the Island of Sable, by the Citizens of Massachusetts Bay.

The first application made to me on this Subject, was by Sir John Temple, in Pursuance of Instructions from his Court. As there are objections to any Negotiations with Sir John, out of his consular Department, I suggested to the Complainant that he could not bring his Case more properly before Congress than by a Memorial, which he soon after had prepared and delivered to me.

The Island of Sable, being Part of the british Dominions it is natural that the british Government should appear interested in the Protection and Peace of its Inhabitants, and as such Trespasses, unless punished, tend to impair the Harmony subsisting between the two Nations, it seems to me proper and expedient that the United States should take such Measures on the Occasion, as ought to be deemed Satisfactory by Great Britain.

For this Purpose he is inclined to think that the Memorialist should be referred to the Government of Massachusetts, and that it be earnestly recommended to that Commonwealth to cause fair and full Inquiry to be made into the Truth of the Facts alleged by him, and, if they shall appear well founded, then to cause such Proceedings to be had against the Offenders, as the Laws of Nations and Justice to the Memorialist may require.

¹ *Papers of the Continental Congress*, No. 80, III, pp. 557-559, read August 25, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 203, the letter and its enclosure were referred to a committee consisting of Mr. Hugh Williamson, Mr. Paine Wingate, Mr. Nathan Dane, Mr. William Few and Mr. Nathaniel Mitchell, which reported August 27, 1788.

² *Papers of the Continental Congress*, No. 78, XIV, pp. 747-750, read August 25, 1788.

As the Man seems to be very poor, and is earnest to be dispatched, I have taken the Liberty of submitting these Remarks on his Case, without waiting for a Reference.

With great Respect, etc.,

JOHN JAY¹

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, AUGUST 26, 1788.

Congress assembled present New Hampshire Massachusetts, Connecticut New York, New Jersey Pennsylvania Delaware Maryland Virginia North Carolina South Carolina and Georgia.

A motion² being made by Mr [Theodore] Sedgwick seconded by Mr [Abraham] Clark in the words following:

³ Whereas the federal Convention assembled in Philadelphia, pursuant to a resolution of Congress of the 21st of Feb^y 1787, did on the 17th of September last report to the United States in Congress Assembled, a form of Government; And whereas the said form of Government hath been adopted in

¹ AUGUST 25, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 204, the following committees were appointed:

Mr. William Irvine, Mr. Edward Carrington and Mr. James R. Reid on the report on the claim of Catherine, an Indian. *Journals*, vol. XXVIII, pp. 487-488 (June 29, 1785). Report rendered September 16, 1788.

Mr. Henry Lee, Mr. William Irvine and Mr. Paine Wingate on the report of the Board of Treasury on the memorial of A. W. White. See May 15 and July 30, 1788. Report rendered September 8, 1788.

According to indorsement was read:

Extracts of a letter from General Andrew Pickens to Governor Thomas Pinckney, July 10, 1788, respecting Indian affairs in the southwest. *Papers of the Continental Congress*, No. 56, pp. 441-442. The enclosures of this letter are no. 1, Talk of the Prince of Notoly, June 5, 1788, on p. 425; no. 2, Talk of the Headmen and Warriors of the Cherokees, June 20, 1788, on pp. 429-430; no. 3, Talk of Hanging Man and John Watts, June 25, 1788, on pp. 432-434; no. 4, Talk of the Jobbers Son, June 30, 1788, on pp. 435-437; and no. 5, An address of the inhabitants of Abbeville County, July 9, 1788, on pp. 438-440.

² *Papers of the Continental Congress*, No. 23, pp. 103-104, in the writing of Mr. Theodore Sedgwick. See July 8, August 13, September 2 and 13, 1788.

³ Roger Alden takes up the entry.

the manner therein declared necessary for the ratification thereof, and thereby become the constitution of the States adopting the same,

Resolved that the city of New York in the State of New York being the seat of the present federal Government, be the place for commencing proceedings under the said constitution. *Resolved* that the first wednesday in January next be the day for appointing Electors in the several States, which before that time shall have adopted the said constitution; that the first wednesday in Feb^r next be the day for the said Electors to assemble in their respective States, and vote for a President; and that the first wednesday in march next be the time for commencing proceedings under the Constitution aforesaid.

The first resolution being under debate a motion was made by M^r [Dyre] Kearny seconded by M^r [Nathaniel] Mitchell to strike out the words "the city of New York in the State of New York, being the seat of the present federal Government," and in lieu thereof to insert, "~~town~~ of Wilmington in the State of Delaware". And on the question to agree to this amendment, the Yeas and Nays being required by M^r [Dyre] Kearny,

[*New Hampshire*]

M ^r Gilman	no	}no
M ^r Wingate	no	

Massachusetts

M ^r Sedgwick	ay	}no
M ^r Dane	no	
M ^r Thatcher	no	

Connecticut

M ^r Huntington	no	}no
M ^r Wadsworth	no	

New York

M ^r Hamilton	no	}no
M ^r Gansevoort	no	

New Jersey

M ^r Clark	no	}no
M ^r Dayton	no	

Pensylvania

M ^r Irvine	ay	}ay
M ^r Meredith	ay	
M ^r Bingham	ay	
M ^r Reid	ay	

Delaware

M ^r Kearny	ay	}ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	}ay
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	} ay
M ^r Madison	ay	
M ^r Carrington	ay	

South Carolina

M ^r Huger	no	} no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	no	} d
M ^r Baldwin	ay	

So the question was lost.

On the question to agree to the resolution as moved, the Yeas and Nays being required by M^r [Theodore] Sedgwick,

New Hampshire

M ^r Gilman	ay	} ay
M ^r Wingate	ay	

Massachusetts

M ^r Sedgwick	ay	} ay
M ^r Dane	ay	
M ^r Thatcher	ay	

Connecticut

M ^r Huntington	ay	} ay
M ^r Wadsworth	ay	

New York

M ^r Hamilton	ay	} ay
M ^r Gansevoort	ay	

New Jersey

M ^r Clark	ay	} ay
M ^r Dayton	ay	

Pennsylvania

M ^r Irvine	no	} no
M ^r Meredith	no	
M ^r Bingham	no	
M ^r Reid	no	

Delaware

M ^r Kearny	no	} no
M ^r Mitchell	no	

Maryland

M ^r Seney	no	} no
M ^r Ross	no	

Virginia

M ^r Griffin	no	} no
M ^r Madison	no	
M ^r Carrington	no	

South Carolina

M ^r Huger	ay	} ay
M ^r Parker	ay	
M ^r Tucker	ay	

Georgia

M ^r Few	ay	} d
M ^r Baldwin	no	

So the question was lost.

¹ On the report ² of the com^{ee} consisting of M^r [Alexander] Hamilton M^r [Theodore] Sedgwick and M^r [James] Madison to whom was referred a report ³ of the Secretary for the department of foreign Affairs of the 14th Instant,

Resolved, That the Secretary for the department of foreign Affairs be directed to transmit copies of the papers * referred to in his said report to the Chargé des

* GEORGIA

HOUSE OF ASSEMBLY

Wednesday the 30 Janu^y 1788.

On a Motion made by M^r William Few the House came to the following Resolution:

Whereas authentic information has been laid before this House that sundry negro Slaves belonging to Citizens of this State have absconded from their Masters and gone to East Florida where they are protected and detained from their rightful Owners by the Government of his most Catholic Majesty to the great injury of the Citizens of this State, contrary to the Usage of Nations in Amity, and those principles of friendship which this State wishes to preserve with the Subjects of his most Catholic Majesty.

Resolved, That the Letter of the Governor De Zespedes, dated the 12 of December 1784, be transmitted to the Delegates of this State in Congress, and that the said Delegates or either of them be and they are hereby instructed and required to lay a statement of the case before the United States in Congress Assembled, and to move that such measures may be taken on the occasion as will redress the injured Citizens of this State and remove the cause of such complaints.

¹ From this point to the end of the day the Journal entry was made by Charles Thomson and Roger Alden, with the notes by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1698-1700. The Journal entry proper was also made by John Fisher and attested by Charles Thomson in *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 426-427.

² *Papers of the Continental Congress*, No. 25, II, pp. 499-500, in the writing of Mr. Alexander Hamilton. Read August 26, 1788. See August 20, 1788.

³ See August 15, 1788. See also May 29, 1788.

Affaires of the United States at Madrid and instruct him to represent to his Catholic Majesty the inconveniencies

Extract from the minutes

JAS. M. SIMMONS, *Clt. G. A.*

MY DEAR SIR: The expressions your Excellency has honored me with in your Letter of 27 of October fills me with satisfaction, and I will certainly have the greatest pleasure at all times and on every occasion to manifest the true esteem I entertain of your Excellency and your Citizens.

With respect to the depredation of the English Subjects in cutting of Timber on the Island of Cumberland, I am to say, that, as the late Treaty of peace grants Eighteen months to the British to evacuate this province unmolested, I cannot during that space of time, disturb the existence of their transports in the River Saint Marys, nor at any time, take notice of the excesses that the Subjects of another Sovereign may commit in a territory that does not belong to me.

I have procured to M^r Coddington all the means in my power for the recovery of his Negroes which might eventually have come into this province; leaving it at his free election when recovered to deposit them, into the hands of a person of his choosing until I receive from the Court their Resolution which I have some time past applied for, concerning these identical Slaves; being obliged to conform myself, until I receive new Instructions, to the antient Regulations of this Government, one of which prescribes, not to disturb any fugitive Negro from Georgia, as the Court of London in that respect refused a reciprocal correspondence. At the same time, I have represented to his Majesty, that Georgia is differently circumstanced as not being as formerly a British Colony. And I expect anxiously an answer to my Representation, with a sincere desire to be authorized to comply fully with the Requisitions of your Excellency.

I remain with the greatest Respect to your Excellency, praying God preserve your life many years. Saint Augusta in Florida 12 December 1784.

I kiss your Excellency's hand, being your most acknowledged, hum Serv.

VIZ MAN^L DE ZESPEDES.

His Excellency

THE GOVERNOR OF GEORGIA

which the States bordering on his dominions experience from the Asylum afforded to fugitive negroes belonging to the citizens of the said States; And that Congress have full confidence that orders will be given to his Governors to permit, and facilitate their being apprehended and delivered to persons authorised to receive them; assuring his Majesty that the said States will observe the like conduct, respecting all such negroes belonging to his Subjects as may be found therein.

Resolved, that the said Secretary be also directed to communicate the said papers to the Encargado de Negocios of Spain, and to signify to him, that his interposition to obtain proper regulations to be made on the subject, would be very agreeable to Congress.¹

² WEDNESDAY, AUGUST 27, 1788.

Congress assembled present Massachusetts New York New Jersey, Pensylvania, Delaware, Maryland, Virginia South Carolina and Georgia and from New hampshire M^r [Paine] Wingate from Connecticut M^r [Benjamin] Huntington and from North Carolina M^r [Hugh] Williamson.

[Report of committee on the memorial of J. Lawrence³]

The Committee consisting of [Mr. Hugh Williamson, Mr. Paine Wingate, Mr. Nathan Dane, Mr. William Few and Mr. Nathaniel Mitchell] to whom was referred the Memorial of Jesse Lawrence beg leave to report.

¹ AUGUST 26, 1788. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 38, were received and according to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 204 were referred to the Board of Treasury to report:

Memorial of Udney Hay requesting the reimbursement of £79-2-3.

Petition of George Taylor, bellows maker, for the settlement of his account of retained rations.

² Charles Thomson resumes the entry.

³ *Papers of the Continental Congress*, No. 19, III, pp. 489-490, in the writing of Mr. Hugh Williamson. Read and passed August 27, 1788. See August 25, 1788.

That Jesse Lawrence who is a british Subject alledges that in the Year 1785 he obtained a Licence from the Governor of Nova Scotia to form a Settlement on the Island of Sable to which he removed in the Autumn of the Year 1786 with Instructions from Gov^r Parr to afford Relief to the unfortunate of every Nation who might be shipwrecked on the Island. That soon after his settling on the Island and on the Spring of the next Year he was plundered and robbed by different Persons Citizens of the US who belonged to fishing Vessels from Cape Ann or other Parts of Massachusets. That they took from him not only the whole Produce of his Industry while he was on the Island but his Provisions furniture wearing apparel and everything that he possessed.

And whereas the Interest of Humanity seems to require that a settlement should be made on the Island of Sable and as Honour and good Faith require that the Citizens of the US should not injure the Subjects of Great Britain nor give them any just Cause of Complaint and whereas small Injuries offered by the Subjects of friendly Nations to one another when neglected or passed over without Punishment are apt to be followed by serious and dangerous Consequences your Committee submit the following Resolve.

That the Memorial of Jesse Lawrence be referred to the Govern^{mt} Executive of Massachusets and in Case the said Lawrence shall produce such Evidence as may substantiate his Allegations to the Satisfaction of the said Gov^t executive that they cause a fair and full Enquiry to be made into the Truth of the Facts alledged and such Proceedings to be had against the Offenders as the Law of Nations and Justice to the Memorialist may require. And whereas the Memorialist may be disabled by his late Sufferings from bearing the necessary Expences of a Prosecution that it be also recommended to the State of Massachusets [said executive] to furnish him with the necessary Supplies and to charge the same together with the proper Indemnification to the Acc^t of the U. S.

On the report of a committee consisting of M^r [Hugh] Williamson M^r [Paine] Wingate, M^r [Nathan] Dane, M^r [William] Few and M^r [Nathaniel] Mitchell to whom was referred a memorial of Jesse Lawrence complaining of trespasses committed on him at the Island of Sable by citizens of Massachusets

Resolved That the memorial of Jesse Lawrence be referred to the executive of Massachussetts and in case the said Lawrence shall produce such evidence as may substantiate his allegations to the satisfaction of the said executive, that they cause a fair and full enquiry to be made into the truth of the facts alledged and such proceedings to be had against the offenders as the law of Nations and justice to the memorialist may require, and that any expences which may be incurred by the executive in complying with this recommendation be chargeable against the United States.

[Report of committee on the Post Office Department ¹]

The Committee consisting of [Mr. Paine Wingate, Mr. John Swann, Mr. Nathan Dane, Mr. James R. Reid and Mr. Peleg Arnold²] appointed agreeably to a resolution³ of Congress of June 17. 1782, to enquire fully into the proceedings of the department of the Post office, and to report the result of their enquiry to Congress, Report,

That the Post master General who has the direction of the affairs of the Post office has one Assistant, and in order properly to execute the duties of his office, he employs sixty nine Deputy Postmasters, who are obliged each of them to keep an office peculiarly appropriated to the purpose of receiving and transmitting letters which are entrusted to their care. The pay of the Deputies for their services is Twenty per Cent^u deducted out of the money received by them respectively for all letters they shall deliver according to the established rates of Postage.

The general instructions given by the Post-master general to his Deputies and the obligations required of them for the faithful dis-

¹ *Papers of the Continental Congress*, No. 61, pp. 581-584, in the writing of Mr. Paine Wingate. The three enclosed papers mentioned in the next to the last paragraph of the report are on pp. 587-588, 591-593 and 594 respectively. Read August 27, 1788. The committee had leave to take back the report on September 30 and was renewed on October 9, 1788. See July 7, 9, and August 25, 1788.

² Although the name of Mr. Arnold is indorsed on the report, the *Committee Book, Papers of the Continental Congress*, No. 190, p. 197, states that he was replaced by Mr. Dyre Kearny on August 25, 1788.

³ *Journals*, vol. XXII, p. 334.

charge of their trust appear to be well calculated to preserve regularity, promote the advantage of those whose letters are conveyed, and place the Revenue of the office on a proper footing of security. Those instructions and obligations for the Deputies, as well as the forms of contracts and bonds required of the Postriders, are the same as have been used by the present and former Post-master general ever since the existence of that office under the Authority of Congress.

The particular instructions given by the Postmaster General to his Deputies from time to time for special purposes the committee are not informed of, as by means of the multiplicity of business in the general post office and no clerk being allowed, there could not be copies preserved.

The contracts and obligations entered into by those who are employed in transporting the mail, are strict and well adapted for the security and punctuality of those conveyances. And the Post-master general informs that the Stages and Postriders have been as punctual in delivering the mails generally as could reasonably be expected. That the forfeitures for failures under this head in the years 1786 and 1787, amount only to about forty two dollars, excepting the forfeitures of M^r Twining which in 1787 amounted to upwards of two thousand dollars but were remitted to him by resolve ¹ of Congress of Sep^r 25. 1787.

To ascertain with precision the Receipts of each Post Office for two or more years, the Postmaster general states would require an examination of several hundred accounts and more time than the indispensable demands of the department would permit and he further adds that the present state of his mind is such, owing to sickness and death in his family that he is totally unfit for the investigations. But he informs in general that the income of the Post office from Portland to Virginia inclusive has defrayed the expences of it, but from Virginia southward the expence has exceeded the income, and Bills have been from time to time drawn upon him for the deficiencies.

The receipts of the General post office from the year 1785 to April 1. 1788 inclusive are as follows, viz.

	Dollars	90ths
In 1785	29598.	12.
In 1786	27096.	53.
In 1787	29243.	52.
In 1788. one quarter to April 1	6649.	88.

¹ *Journals*, vol. XXXIII, p. 533.

The monies received have been disposed of in defraying the ordinary and contingent expences of the department, and in payments made to the Treasury of the United States. Of each of these the following sketch may give some Idea.

	1785		1786		1787		1788 to April	
Post-riding and carriage of y ^e Mail Dol	13700	50	23277.	70	21426		4927.	67
Post Mas ^r Gen ^l and Assist- ants Salaries	2500		2500		2500		625	
Contingencies	620		226		251		70	
Paid into the Treasury . .	5220		10730		1839		928	

This statement exhibits a general view of expenditures during the whole period of time it includes, but not an exact one for each year; because part of the money received in each year could not be paid to the Riders in the year in which it became due, and consequently was charged in the succeeding year when it was paid. The like remark is applicable to the money paid into the Treasury.

Agreeably to the foregoing statement of the Receipts and disposition of the monies in this department there remains unapplied 1247. 19/90 Doll^{rs} in the general post office, exclusive of forfeitures for failures in contracts.

The committee find that the transportation of the mail costs from a tenth to some what less than a twenty fourth part of a dollar p^r mile. The expence is various, and generally greater at the Southward than Eastward. The expence of some of the routes has been encreased and in others reduced in the contracts of the present year; but on the amount of the whole the reduction of this year is considerable.

The committee on a calculation of the ordinary expence of conveying the mail are of opinion that it cannot be afforded generally, by a person who is faithful and punctual and makes that his business for a less price than a dollar for Twenty four miles.

The committee would accompany this report with a list of the Deputy-Post-Masters, and an account of the annual expence of transporting the mail in the different contracts, and the amount of the

Receipts of the general post office in the present and three preceeding years. Also the forms of the contracts made with the Post-riders and obligations given by them, and the Instructions given to the Deputy-Post-Masters and their bonds for performance.

With respect to the letter of the Post Master General to Congress of July 8th ult^o the committee further report that on conferring with him on the meaning of acts of Congress relative to his department, the doubts stated in his letter are removed.

[Letter of Board of Treasury transmitting letter of Mr. Jarvis¹]

BOARD OF TREASURY.

August. 28th 1788

SIR: We request the Favor of your Excellency to lay before Congress a Copy of a Letter received on yesterday, by this Board from M^r James Jarvis, Contractor for Coppers Coinage.

We have the Honor to be, etc.

SAMUEL OSGOOD
ARTHUR LEE

His Excellency,
THE PRESIDENT OF CONGRESS.

[Letter from the Office of Secretary at War on Indian affairs²]

WAR OFFICE 27th August 1788.

SIR: In the absence of the Secretary at War I have the honor to transmit to your Excellency copies of Letters received yesterday from the Superintendant of Indian Affairs for the Southern District dated

¹ *Papers of the Continental Congress*, No. 140, II, p. 551, read August 27, 1788. A copy of the letter of Jarvis is on pp. 555-561. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 204, the letter of Jarvis was referred to a committee consisting of Mr. Abraham Clark, Mr. Hugh Williamson, Mr. Abraham Baldwin, Mr. Jeremiah Wadsworth and Mr. Alexander Hamilton. This was the same committee as that of August 20, 1788. The committee reported September 16, 1788. See July 16 and August 4, 1788.

² *Papers of the Continental Congress*, No. 150, III, p. 365, read August 27, 1788. Copies of the two letters of General R. Winn are on pp. 369-370 and 373, respectively, and that of General Andrew Pickens to Winn on pp. 377-378.

at Winnsborough the 5th and 8th Instant, with an enclosure from General Pickens dated Long Cane 6th Aug^t 1788.

I have the Honor to be, etc.,

W^m KNOX¹

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, AUGUST 28, 1788.

Congress assembled present Massachusetts Connecticut New York, New Jersey Pennsylvania Delaware Virginia South Carolina and Georgia and from New hampshire M^r [Paine] Wingate and from North Carolina M^r [Hugh] Williamson.

On Motion ² of M^r [Dyre] Kearny seconded by M^r Clark [Nathan] Dane

Resolved that the board of treasury be and they are hereby directed to report on the expediency of any further admission of equitable claims now barred by the resolution ³ of the 23 day of July 1787, and in case of such expediency to report some general plan for that purpose.

On the report ⁴ of a com^{ee} consisting of M^r [Hugh] Williamson M^r [Samuel Allyne] Otis and M^r [Abraham]

¹ AUGUST 27, 1788. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 39 was received and according to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 204 was referred to the Board of Treasury to report:

Accounts of Samuel Young Keene for settlement.

² *Papers of the Continental Congress*, No. 36, III, p. 413, not indorsed, in the writing of Mr. Dyre Kearny. Another motion on p. 411, indorsed "Motion-M^r Kearny/amendm^t to Motion of/M^r Madison-/for admitting claims./Aug^t 28th 1788." reads as follows: "~~And that~~ [Resolved that] the s^d Board [of Treasury] be directed to report forthwith thereon and on the several other claims forthwith some general provision for equitable cases barred by the Resolution of the 23 day of July 1787."

³ *Journals*, vol. XXXIII, p. 392.

⁴ *Papers of the Continental Congress*, No. 19, IV, pp. 159-160, in the writing of Mr. Hugh Williamson. Read August 28, 1788. The resolve was entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 61-64. See June 25, July 1, 8, 15, 30 and August 15, 1788.

Baldwin to whom was ¹ recommitted a report on the memorial of George Morgan and sundry other Papers,

Resolved, That the board of treasury be and they hereby are authorised in contracting with George Morgan and his Associates or with any other person or persons for the sale of a tract of land on the Mississippi which is described in the Act of June 20th last, to vary in the following particulars from the terms proposed in the said Act, viz. A payment of 200,000 dollars shall be made on closing the contract, the remainder of the price to be paid in seven equal payments, the first of which shall be paid whenever the Indian title, if any such there is, shall be extinguished, and a survey of the tract returned to the treasury Office. The other six payments to be made half yearly with Interest from the time in which the survey is returned. On making the first payment entrys shall be permitted on so much land as that sum is equal to, at the limited price. On making the second payment a deed shall issue for so much land as may then be paid for, and other deeds if required shall issue on making the several payments; Provided that it is previously stipulated on what part the first deed shall be laid, and that every subsequent deed shall be for a regular tract as nearly as may be of an equal width extending from the Mississippi to the eastern boundary of the general purchase, and that the several deeds be for tracts in contact with one another. That in case of failure in any one of the payments stipulated for, the contract shall be considered as forfeited in all the parts thereof, which shall then remain to be carried into effect.² That instead of the three parallelograms to be reserved according to the Act of 20th June last for donations to the

¹ Roger Alden takes up the entry.

² In the original this sentence reads as follows: "and that it be further stipulated that on the failure of any payment the Contractor or Contractors shall forfeit any claim to future Preemption".

antient settlers on the west side of a certain ridge of rocks, there shall be reserved an equal quantity of land for the same use to be laid out in three squares on the east side of the said ridge of rocks, and as near as may be to the improvements belonging to the villages of Kaskaskies, la Prairie du Rochers and Kahokia.

Resolved That in case there are any improvements belonging to the antient french settlers without the general reserved limits, the same shall also be considered as reserved for them in the sale now proposed to be made.

According to the order of the 5th Instant, Congress proceeded to the election of a Commissioner of Army Accounts, and the ballots being taken,

Mr Joseph Howell was elected,¹ having been previously nominated by Mr [Abraham] Clark.

[Motion of Mr. Tucker respecting W. Mason ²]

That the Board of Treasury take Order for paying to William Mason late a Serjeant of the Virg. Line in the Continental Army Forty Dollars to be charged on the Specie Claims he may appear to have on the United States on a Settlement of his Accounts.

[Report of committee on memorial of Ann Ledyard ³]

The committee [consisting of Mr. Theodore Sedgwick, Mr. Abraham Clark and Mr. Edward Carrington] to whom was refered the memorial of Ann Ledyard, Widow of Colonel William Ledyard, late an officer in the service of the State of connecticut, who was killed by the enemy in 1781, report,

That the said Ledyard was an officer appointed, and commissioned by the State of connecticut, independent of any resolve of congress,

¹ See August 5, 8 and September 1, 1788.

² *Papers of the Continental Congress*, No. 62, p. 246, in the writing of Mr. Thomas Tudor Tucker. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 204, the motion was referred to the Commissioner of Army Accounts to report. Report rendered September 1, 1788.

³ *Papers of the Continental Congress*, No. 19, III, pp. 497-498, in the writing of Mr. Theodore Sedgwick. Read August 28 and agreed to September 1, 1788. See August 14, 1788.

and without the order or requisition of any officer in the service of the U. S. That there is not to the knowledge of the committee any instance of a compensation made by Congress for the losses or services of officers or soldiers in the service of individual States, and that although the committee are of opinion that the said Ledyard was an officer of merit, and that the prayer of the said memorial is entitled to the consideration and favorable attention of the legislature of the said state, yet that the same cannot be granted by congress without establishing a precedent, which will be productive of great inconvenience. The committee therefore ask leave to submit the following resolve.

Ag: *Resolved*, that Ann Ledyard have leave to withdraw her memorial a compliance with the prayer thereof being inadmissible.

[Report of committee on Mr. Kearny's motion ¹]

[Report of committee on letter of the Governor of Virginia on western lands ²]

[Report of Board of Treasury on memorial of J. Vinton ³]

The Board of Treasury to whom was referred the Memorial of John Vinton, administrator of the Estate of Edmund Soper, late a purchasing Commissary in the Army of the United States,

Beg leave to Report,

That the circumstances stated by the Memorialist with respect to the sale of certain Stores in the possession of the deceased for public securities have been fully investigated, by the Commissioner for settling accounts in the Commissary General's Department and found to be true.

¹ *Papers of the Continental Congress*, No. 61, p. 575, in the writing of Mr. Dyre Kearny. Read August 28, 1788. This report was agreed to on August 29, 1788, where it is entered *verbatim* on the *Journal*. See August 25, 1788.

² *Papers of the Continental Congress*, No. 30, p. 153, in the writing of Mr. Nathan Dane. Read August 28, 1788. The report was agreed to on September 1, 1788, where it is entered *verbatim* on the *Journal*. See July 17, August 14 and 20, 1788.

³ *Papers of the Continental Congress*, No. 138, II, pp. 475-477, read August 28, and acted on August 29, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 603. See April 25, 1787 (*Journals*, vol. XXXII, p. 241n.).

That it further appears by a Certificate of Oliver Wandall Esq^r late Judge of Probates for the County of Suffolk that the said sale was made in pursuance of an opinion given by him to the Administratrix that the measure was adviseable. The Board are therefore of opinion, that the Balance appearing to be due from the Estate of the said Edmund Soper, should be paid by the Administrator to said Estate, to the Commissioner of Accounts for the Commissary Generals Department, and for this purpose submit to the consideration of Congress the following Resolve

That the Sum of Four thousand and twenty three Dollars, and thirty four ninetieths of a Dollar arising from the Sale of sundry Public Stores in the possession of Edmund Soper, late a purchasing Commissary at the time of his decease be received in discharge of a balance to the said amount due from the Estate of the deceased to the United States.

All which is humbly Submitted.

August 28th 1788.

SAMUEL OSGOOD
ARTHUR LEE

[Letter of Secretary for Foreign Affairs on recall of Mr. Van Berckel ¹]

OFFICE FOR FOREIGN AFFAIRS

28th Aug^t 1788

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter ² of the 25th Instant from M^r Van Berckel, together

¹ *Papers of the Continental Congress*, No. 80, III, p. 561, read August 28, 1788: According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 204, the enclosures of this letter were referred to the Secretary for Foreign Affairs to report. Report rendered September 3, 1788.

² *Papers of the Continental Congress*, No. 99, p. 301, original in French with translation on p. 304, informing of his recall.

with a Letter ¹ from their High Mightinesses and Memoire ² from himself which accompanied it.

With great Esteem, etc.,

JOHN JAY.³

His Excellency

THE PRESIDENT OF CONGRESS.

⁴ FRIDAY, AUGUST 29, 1788.

Congress assembled present Massachusetts New York New Jersey Pensylvania Delaware Maryland Virginia North Carolina South Carolina and Georgia and from New hampshire M^r [Paine] Wingate from Connecticut M^r [Benjamin] Huntington.

On a report⁵ of the com^{ee} consisting of M^r [Paine] Wingate M^r [John] Swann M^r [Nathan] Dane M^r [James R.] Reid and M^r [Dyre] Kearny to whom was referred a motion⁶ of M^r Kearny,

Resolved That the post master gen^l be and he is hereby authorised and directed to establish a post from Wilmington in the state of Delaware to the town of Dover in the said state as soon as may be and that he contract for the regular

¹ *Papers of the Continental Congress*, No. 59, IV, pp. 369-370, original in Dutch. This is the letter of recall of Peter John van Berckel, dated May 8, 1788. The letter, original in Dutch, of their High Mightinesses to the United States in Congress Assembled, August 1, 1788, announcing the appointment of Peter Francis van Berckel, as minister to succeed his father, Peter John van Berckel, is in *Papers of the Continental Congress*, No. 59, IV, pp. 385-386, with translation in *Papers of the Continental Congress*, No. 99, p. 307.

² *Papers of the Continental Congress*, No. 99, pp. 302-303, original in French with translation on pp. 304a-305, dated August 25 and enclosed in letter of same date.

³ AUGUST 28, 1788. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 204 the following committee was appointed:

Mr. Abraham Clark, Mr. Edward Carrington and Mr. Nathan Dane on a letter of the Secretary at War, March 10, 1788, respecting lands appropriated for bounties to the late army. Report rendered September 25, 1788. See March 12, July 16 and 17, 1788

⁴ Charles Thomson resumes the entry.

⁵ See August 28, 1788. See also May 22, 1788.

⁶ See August 25, 1788.

transportation of the mail to and from the said places respectively once in every week by post riders or otherwise and that he further take order for the continuance of the said establishment for one year from the first of january next.

On a report¹ of the board of treasury to whom was referred a memorial² of John Vinton administrator of the estate of Edmund Soper late a purchasing commissary in the army of the United States

Resolved That the sum of four thousand and twenty three dollars and thirty four ninetieths of a dollar arising from the sale of sundry public stores in the possession of Edmund Soper late a purchasing commissary at the time of his decease be received in discharge of a balance to the said amount due from the estate of the deceased to the United States.

On the report³ of a com^{ee} consisting of Mr [Hugh] Williamson Mr [Nathan] Dane Mr [Abraham] Clark Mr [Thomas] Tudor] Tucker and [Mr. Abraham] Baldwin to whom was referred the report⁴ of a former com^{ee} respecting the inhabitants of post S^t Vincents

*Resolved*⁵ That measures be taken for confirming in their possessions and titles the french and Canadian inhabitants and other settlers at post S^t Vincents who on or before the year 1783 had settled there and ⁶ had professed themselves citizens of the United States, or any of them, and for laying off for them at their own expence the several tracts which they rightfully claim and which may have been allotted to

¹ See August 28, 1788.

² *Journals*, vol. XXXII, p. 241n (April 25, 1787).

³ See July 7, 1788. See also June 24, 26 and July 8, 1788.

⁴ See May 5, 1788.

⁵ This resolve and the instructions to the Governor of the Western territory were entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 64-67.

⁶ Roger Alden takes up the entry.

them according to the laws and Usages of the Governments under which they have respectively settled.

That four hundred acres of land be reserved and given to every head of a family of the above description settled at Post S^t Vincents.

That the Governor of the western territory cause to be laid out at the public expence in the form of a square adjoining to the present improvements at Post S^t Vincents and in whatever direction the settlers shall prefer, a tract of land sufficient for compleating the above donations; which tract shall afterwards be divided by lot among the settlers who are entitled to any part of the same, in such manner as they shall agree.

On a report ¹ of the same committee ~~above mentioned~~ the following Instructions to the Governor of the western territory were agreed to:

SIR: You are to proceed without delay, except while You are necessarily detained by the Treaty now on hands, to the french settlements on the River Mississippi, in order to give dispatch to the several measures which are to be taken according to the Acts of 20th June last and the 28th Instant, of which a copy is enclosed for Your Information. You are to enquire whether there be any Indians who claim the lands on the eastside of the river Mississippi, above the mouth of the Ohio, and if there be any such Indians, You are immediately to take measures for holding a treaty with them, and extinguishing their claim at least to so much of the territory as You find described in the aforesaid Acts, and in the several Acts ² of Oct. 22^d 1787 relative to lands on the Mississippi. If You find it cheapest and best to extinguish the claim of those Indians by agreeing to furnish them annually with a

¹ See June 24 and July 7, 1788. The parts underlined by the editor indicate the amendments made to the original committee report.

² *Journals*, vol. XXXIII, pp. 695-696.

certain allowance in corn, or other provisions for a term not exceeding ten Years, You will contract accordingly.

When You have examined the titles and possessions of the settlers on the Mississippi in which they are to be confirmed, and given directions for laying out the several squares, which the settlers may divide as they shall think best among themselves by lot, You are to report the whole of your proceedings to Congress.

After You shall have dispatched the several matters committed to your care on the Mississippi, You will take Post St Vincents on your return, where you are to pursue the measures directed to be taken by the Act of this day, and report your proceedings accordingly.

[Motion of Mr. Clark and Mr. Dane respecting land warrants ¹]

Whereas many of the Officers in the late Army of the United States have received public monies in advance for recruiting ~~Service~~, paying of bounties ~~to Soldiers~~, And as paymasters of Regiments, or for other purposes for which they have hitherto neglected to Account; and it being improper to suffer such defaulting Officers to Obtain Warrants for their bounties of Land untill they shall Account for the monies so by them received, Whereupon,

Resolved, That the Secretary at War be instructed to forbear issuing Warrants for bounties of Land to all such Officers, who, by a return to be made by the Commiss^{rs} of Army Accounts shall appear to have Neglected or Refused to Account for all public monies by them respectively received, untill they shall Severally Settle such Accounts with the said Commiss^{rs} and pay into the Treasury of the United States the ballances which shall be found due on such Settlements, and produce to the Secretary at War Authentick documents proving the same; Any thing in the Supplement to the land Ordinance passed the day of last, contained to the Contrary notwithstanding.

¹ *Papers of the Continental Congress*, No. 36, III, p. 415, in the writing of Mr. Abraham Clark. It is indorsed as postponed.

¹MONDAY, SEPTEMBER 1, 1788.

Congress assembled. Present Massachusetts Connecticut New York New Jersey Pennsylvania Delaware Maryland Virginia North Carolina South Carolina and Georgia and from New Hampshire Mr [Paine] Wingate and from New Jersey Mr [Abraham] Clarke.

On the report ² of a committee consisting of Mr [John] Henry Mr [Arthur] S^t Clair and Mr [William Samuel] Johnson to whom were referred an Acco^t of Capt Allen McLane and a letter touching the same from the Com^r of army accounts

Resolved, That the accounts of Capt Allen McLane be referred ³ to the commissioner of army accounts to be settled on the same principles as are all other accounts similarly circumstanced.

On the report ⁴ of a com^{ee} consisting of Mr [Theodore] Sedgwick Mr [Abraham] Clark and Mr [Edward] Carrington to whom was referred a memorial ⁵ of Ann Ledyard widow of colonel William Ledyard late an Officer in the service of the state of Connecticut

Resolved That Ann Ledyard have leave to withdraw her memorial, a compliance with the prayer thereof being inadmissible.

On the report ⁶ of a com^{ee} consisting of Mr [Nathan] Dane Mr [Hugh] Williamson Mr [Abraham] Clarke Mr [James] Madison and Mr [Joshua] Seney to whom was

¹ Charles Thomson resumes the entry.

² According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 15, this report was read October 18, 1786. The report does not appear in the *Papers of the Continental Congress*. See September 12, 1786 and February 12, 1787. (*Journals*, vol. XXXI, p. 649n and vol. XXXII, p. 42n.)

³ The reference of the accounts in accordance with the resolve was noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 205. It is also stated here that the accounts were delivered to Mr. Mitchell.

⁴ See August 28, 1788.

⁵ See August 14, 1788.

⁶ See August 28, 1788. See also July 17, 1788.

referred ~~the~~ a letter ¹ of the 4 Aug from his Ex^y the governor of Virginia

Resolved That the executive of the state of Virginia be informed that the act of Congress of the 17th of July last was not meant, nor is so to be interpreted as to infringe any stipulation in the cession made by Virginia to the United States; and that it is not the intention of Congress to take any further measures at present respecting the lands between the Scioto and Little Miami but to allow a reasonable time for the returns mentioned in the act of Congress aforesaid and for all other measures which may be requisite for ascertaining and carrying into effect on fair and liberal principles the intentions of the parties to the said act of cession.

On the report ² of a com^{ee} consisting of M^r [Nathan] Dane M^r [James] Madison M^r [Abraham] Clarke M^r [William] Irvine and M^r [Egbert] Benson to whom was referred a report ³ of the Sec^y at War relative to certain intrusions on the hunting grounds of the cherokees, Congress agreed to the following proclamation and resolutions.

A proclamation ⁴

Whereas the United States in Congress assembled by their Commissioners duly appointed and authorised did on the 28 day of November 1785 at Hopewell on the Keowee conclude Ar^s ticles of a treaty ⁵ with all the Cherokees, and among other things stipulated and engaged by Article 4th "that the boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States,

¹ See August 14 and 20 and September 1, 1788.

² See July 30, 1788.

³ See July 18, 1788. See also July 8 and 9, 1788.

⁴ A broadside of this proclamation is in *Papers of the Continental Congress*, Broad-sides.

⁵ Roger Alden takes up the entry.

⁶ *Journals*, vol. XXX, pp. 187-190.

within the limits of the United States of America, is and shall be the following, viz. Beginning at the mouth of Duck river on the Tenessee, thence running north east¹, to the ridge dividing the waters running into Cumberland, from those running into the Tenessee, thence eastwardly along the said ridge to a north east line to be run, which shall strike the river Cumberland, forty five miles above Nashville, thence along the said line to the river, thence up the said river to the ford where the Kentucky road crosses the river, thence to Campbell's line near to Cumberland Gap, thence to the mouth of Clouds creek on Holstein, thence to the chimney top mountain, thence to camp Creek, near the mouth of big lime stone on Nolichucky, thence a southerly course six miles to a mountain, thence south to the North Carolina line, thence to the South Carolina Indian boundary, and along the same southwest over the top of the Oconee mountain, till it shall strike Tugaloo river, thence a direct line to the top of the Currokee mountain, thence to the head of the south fork of the Oconee river," and by article the 5th that, "If any citizen of the United States, or other person not being an Indian should attempt to settle on any of the lands westward or southward of the said boundary, which were allotted to the Indians for their hunting grounds, or having settled previously to concluding the said treaty, and not removing from the same within six months after the ratification of the said treaty, such person should forfeit the protection of the United States, and that the Indians might punish him or not as they please; provided that the said 5th Article should not extend to the people settled between the fork of french broad and Holstein rivers, whose particular situation should be transmitted to the United States in Congress assembled for their decision thereon, which the Indians agreed to abide by." And whereas it has been represented to Congress that several disorderly persons settled

¹ At this point two repeated lines are crossed off.

on the frontiers of North Carolina in the vicinity of Chota have in open violation of the said treaty made intrusions upon the said Indian hunting grounds, and committed many unprovoked outrages upon the said Cherokees, who by the said treaty have put themselves under the protection of the United States, which proceedings are highly injurious and disrespectful to the Authority of the Union, and it being the firm determination of Congress to protect the said Cherokees in their rights according to the true intent and meaning of the said treaty THE UNITED STATES IN CONGRESS ASSEMBLED, have therefore thought fit to issue and they do hereby issue this their proclamation strictly ~~prohibiting~~ forbidding all such unwarrantable intrusions, and hostile proceedings against the said Cherokees, and enjoining all those, who have settled upon the said hunting grounds, of the said Cherokees to depart with their families and effects without loss of time, as they shall answer their disobedience to the injunctions and prohibitions expressed in this resolution at their peril. Provided that this proclamation shall not be construed as requiring the removal of the people settled between the fork of french broad and Holstein rivers referred to in the said treaty. Provided also that nothing contained in this proclamation shall be considered as affecting the territorial claims of the state of North Carolina. Done, etc.

Resolved that the Secretary at War be, and he is hereby directed to have a sufficient number of the troops in the service of the United States in readiness to march from the Ohio, to the protection of the Cherokees, whenever Congress shall direct the same, and that he take measures for obtaining information of the best routes for troops to march from the Ohio to Chota, and for dispersing among all the white Inhabitants settled upon or in the vicinity of the hunting grounds secured to the Cherokees by the treaty concluded between

them and the United States Nov^r 28th 1785 the proclamation of Congress of this date,

Resolved, that copies of the said proclamation and of these resolutions be transmitted to the Executives of Virginia and North Carolina, and that the said States be and they are hereby requested to use their influence that the said proclamation may have it's intended effect to restore peace and harmony between the citizens of the United States and the Cherokees, and to prevent any further invasions of their respective rights and possessions and in case Congress shall find it necessary to order troops to the Cherokee towns to enforce a due observance of the said treaty, that the said States be and they are hereby requested to cooperate with the said troops for enforcing such observance of that treaty.

Resolved,¹ that the papers which have been transmitted to Congress concerning certain hostilities alledged to have been committed by John Sevier and others on the Cherokee Indians at Chota, be referred to the Executive of North Carolina, and that the said Executive be and they hereby are earnestly requested to cause enquiry to be made into the said hostilities, and to take measures for having the perpetrators thereof, apprehended and punished.

¹ The motion on which this resolve was taken is in *Papers of the Continental Congress*, No. 27, p. 361 in the writing of Mr. Edward Carrington. Another form of the motion, which is crossed out, also in Carrington's hand, is on p. 362, as follows: "That it be earnestly recommended to the State of North Carolina to cause enquiry to be made into the Conduct of ~~a certain~~ Sevier and others in the late ~~Hostility~~ Hostilities which are alleged to have been committed on the Cherokee Indians at Chota by the said Sevier and his adherents to take measures for having the perpetrators of such Hostilities apprehended and brought to condign punishment."

[Proposition of Pennsylvania for annexing jurisdiction ¹]

Whereas the Board of Treasury in conformity with the Act of Congress of the sixth of June last, have entered into Contract with the Delegates of the State of Pennsylvania in behalf of said State, for the tract of land bounded East agreeably to the Cession of Western territory by the States of Massachusetts and New York, south by Pennsylvania North and West by lake Erie. And whereas the said tract is entirely separated from the other lands of the Western territory over which the Jurisdiction of the United States extends, by which it will become inconvenient for the United States to hold the Jurisdiction of the same, and Whereas under these circumstances it will be most expedient and convenient for the State of Pennsylvania to hold and exercise Jurisdiction over the tract aforesaid, as will on account of its contiguous situation as that the right of soil is now vested in the said State,

Therefore *Resolved* that the United States do hereby Relinquish all their right title and claim to the Jurisdiction of the said tract of land; and that it be and is hereby transferred and annexed to the State of Pennsylvania forever; and it is hereby declared and made known that the laws and other public acts of said State may and of right shall extend over every part of the same to all intents and purposes, as if the said tract had been originally within the Charter bounds of said State, provided that the inhabitants shall be maintained in all the rights and privileges as the other Citizens of the said State of Pennsylvania are now or may hereafter be Constitutionally entitled to enjoy.

[Report of Commissioner of Army Accounts respecting W. Mason ²]

OFFICE OF ARMY ACCOUNTS

New York August 30, 1788.

The Commissioner of Army Accounts to whom was referr'd the motion of the Honorable M^r Tucker of the 28: Ins: begs leave to report.

¹ *Papers of the Continental Congress*, No. 20, II, pp. 195 and 199, in the writing of Mr. William Irvine. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 205, the proposition was referred to a committee consisting of Mr. Nathan Dane, Mr. Theodore Sedgwick and Mr. James Madison, which reported September 3, 1788. Acted on September 4, 1788.

² *Papers of the Continental Congress*, No. 62, pp. 243-244, read September 1, 1788. See August 28, 1788.

That it appears by the Muster Rolls of the late fourth Regiment of Virginia, that William Mason inlisted in said Regiment as a private soldier in the year 1777, and that he was promoted to a serjeant on or about the 1 June 1778.

That he continued to do the duties of a Soldier untill the 19: May 1780, at which period it appears by a certificate from David Oliphant, Director of the southern Hospitals that the said Mason was employed in the Hospital department in the capacity of Assistant Steward and continued as such untill the 1: May 1783.

That in the year 1782, he received of the paymaster General, the sum of ninety dollars specie and in the year 1783 a further sum of one hundred and twenty dollars on account of pay due him.

That on the 8: September 1784 the said Mason was finally settled with as Assistant Steward and received from the commissioner of army accounts a certificate for the balance then due him.

From this statement of facts, your Commissioner is of opinion that William Mason has not any further claim against the United States.

all which is humbly submitted.

JOSEPH HOWELL Jun^r ¹

CHARLES THOMSON Esq^t

² TUESDAY, SEPTEMBER 2, 1788.

Congress assembled, present as yesterday.

³ A motion ⁴ was made by M^r [Abraham] Clark, seconded by M^r [Theodore] Sedgwick in the words following, viz.

Whereas the Convention Assembled in Philadelphia pursuant to the resolution of Congress of the 21st of Feb^y 1787, did on the 17th day of September in the same year report to the United States in Congress Assembled a constitution or form of Government for the people of the United States,

¹ SEPTEMBER 1, 1788. According to indorsement was read:

Letter of Joseph Howell, jr. to Charles Thomson, September 1, 1788, accepting the office of Commissioner of Army Accounts. *Papers of the Continental Congress*, No. 78, XII, p. 469. See August 28, 1788.

² Charles Thomson begins the entry.

³ Roger Alden takes up the entry.

⁴ *Papers of the Continental Congress*, No. 23, p. 109, in the writing of Benjamin Bankson. Debated September 2, 1788. See July 8, August 26, September 3, 4 and 13, 1788.

whereupon Congress on the 28th of the same September did resolve, unanimously, that the said Report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case, And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated have been received by Congress and are filed in the office of the Secretary thereof, therefore *Resolved*, that the first Wednesday in Jan^y next be the day for appointing Electors in the several States which before the said day shall have ratified the said constitution, that the first wednesday in Feb^y next be the day for the Electors to assemble in their respective States to vote for a President and that the first Wednesday in March next be the time¹ and the seat of the federal Government at that time, the place for commencing proceedings under the said constitution,

² On the question to agree to this resolution the yeas and nays being required by M^r [Theodore] Sedgwick,

New Hampshire

M^r Wingate ay *

Massachusetts

M^r Sedgwick ay
M^r Dane ay } ay
M^r Thatcher ay }

Connecticut

M^r Huntington ay
M^r Edwards no } d^a

New York

M^r Hamilton ay
M^r Gansevoort ay } ay

¹ From this point to the end of the resolve the original is in the writing of Mr. Abraham Clark, and the phrase "and the seat the place" is crossed off, thus bringing the reading of the motion into conformity with the motion of Mr. Pierpont Edwards below.

² Charles Thomson resumes the entry.

<i>New Jersey</i>			<i>Virginia</i>	
M ^r Clarke	ay	} ay	M ^r Griffin	no
M ^r Dayton	ay		M ^r Madison	no
<i>Pensylvania</i>			M ^r Carrington	no
M ^r Irvine	no	} no	<i>South Carolina</i>	
M ^r Meredith	no		M ^r Huger	ay
M ^r Bingham	no		M ^r Parker	ay
M ^r Reid	no		M ^r Tucker	ay
<i>Delaware</i>			<i>Georgia</i>	
M ^r Kearny	no	} no	M ^r Few	ay
M ^r Mitchell	no		M ^r Baldwin	no
<i>Maryland</i>				
M ^r Seney	no	} no		
M ^r Ross	no			

So the question was lost

A motion was then made by M^r [Pierpont] Edwards seconded by M^r [Theodore] Sedgwick in the words following

Whereas the convention assembled in Philad^a pursuant to the resolution of Congress of the 21st of febr^y 1787 did on the 17 day of Sept in the same year report to the United States in Congress assembled a constitution or form of government for the people of the United States Whereupon Congress on the 28th day of the same sept^r did resolve unanimously that the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case And whereas the Constitution so reported by the Convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the secretary thereof, therefore

Resolved that the first wednesday in January next be the day for appointing electors in the several states, which before the said day shall have ratified the said constitution; that

the first wednesday in february next be the day for the electors to assemble in their respective states to vote for a president and that the first Wednesday in March next be the time for commencing proceedings under the said constitution.

A motion was made by M^r [William] Irvine seconded by M^r [William] Bingham to amend the motion before the house by inserting after the word "time" the following words viz "and that Lancaster be the place" and on the question to agree to this amendment the yeas and nays being required by M^r [William] Bingham,

Massachusetts

M ^r Sedgwick	ay	no	} ay no
M ^r Dane		no	
M ^r Thatcher		ay	

Connecticut

M ^r Huntington	no	} d ^a
M ^r Edwards	ay	

New York

M ^r Hamilton	no	} no
M ^r Gansevoort	no	

New Jersey

M ^r Clarke	no	} no
M ^r Dayton	no	

Pensylvania

M ^r Irvine	ay	} ay
M ^r Meredith	ay	
M ^r Bingham	ay	
M ^r Reid	ay	

Delaware

M ^r Kearny	ay	} ay
M ^r Mitchell	ay	

Maryland

M ^r Seney	ay	} ay
M ^r Ross	ay	

Virginia

M ^r Griffin	ay	} ay
M ^r Madison	ay	
M ^r Carrington	ay	
M ^r Lee	ay	

South Carolina

M ^r Huger	no	} no
M ^r Parker	no	
M ^r Tucker	no	

Georgia

M ^r Few	no	} d ^a
M ^r Baldwin	ay	

So it passed in the question was lost.¹

¹ SEPTEMBER 2, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 205, the following committee was appointed:

Mr. Abraham Clark, Mr. Hugh Williamson and Mr. James Madison on the memorial of John Ettwein, president of the Brethren's Society for Propagating the Gospel among the Heathen, dated August 29 and read September 2, 1788, respecting lands reserved for the Moravian Indians. *Papers of the Continental Congress*, No. 41, III, pp. 143-145. Report rendered and acted on September 3, 1788.

WEDNESDAY, SEPTEMBER 3, 1788.

Congress assembled, present Massachusetts Connecticut New York New Jersey Pennsylvania, Delaware Maryland Virginia North Carolina South Carolina and Georgia and from New hampshire M^r [Paine] Wingate and from New York M^r [Abraham] Yates.

On a report¹ of a com^{ee} consisting of M^r [Abraham] Clarke M^r [Hugh] Williamson and M^r [James] Madison to whom was referred a memorial of John Etwein of Bethlehem, president of the brethrens society for propagating the Gospel among the Heathen.

Whereas the United States in Congress assembled by their Ordinance² of the 20 May 1785 among other things ordained that the towns of Gnadenhutten, Schoenbrun and Salem with lands adjoining to the said towns be reserved for the sole use of the Christian Indians who were formerly settled there or the remains of that society; and by an act³ of the 27 July 1787 directed the board of treasury to except and reserve out of any contract they might make pursuant to an Order⁴ of the 23 of the same month a quantity of land around and adjoining to each of the before mentioned towns amounting in the whole to ten thousand acres and ordered the property of the said towns and reserved lands to be vested in the Moravian brethren at Bethlehem in Pennsylvania or the Society of the said brethren for⁵ civilizing the Indians and promoting christianity (or as they are called The society

¹ *Papers of the Continental Congress*, No. 19, II, pp. 229-230, in the writing of Charles Thomson and Mr. Abraham Clark. Read and passed September 3, 1788. This proceeding was also entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 67-70. See September 2, 1788.

² *Journals*, vol. XXVIII, pp. 375-381.

³ *Journals*, vol. XXXIII, pp. 429-430.

⁴ *Journals*, vol. XXXIII, pp. 399-401.

⁵ At this point in the original report the phrase, "propagating the Gospel among the heathen", is crossed off.

of the United brethren for propagating the Gospel among the Heathen) in trust and for the uses expressed in the said Ordinance, including others as mentioned in the said act of 27 July 1787; and whereas it has been agreed that the plot of each of the towns should be estimated at $666\frac{2}{3}$ acres so that each town and the reserved land adjoining shall make a tract of four thousand acres; and whereas the remnant of the said Christian Indians are desirous of returning to their towns as speedily as possible, and the United brethren to facilitate this without loss of time have offered to advance the expences of surveying the three tracts on condition they be repaid either in Money or land,¹

Ordered That the geographer of the United States survey or cause to be surveyed as speedily as possible without interfering with the business he is sent to execute, the three tracts of Gnadenhutzen, Shoenbrun and Salem on the Muskingum including the reserved land adjoining each of the said towns and return plats thereof to the board of treasury, that deeds may be issued for the same as is mentioned above; and that he also survey or cause to be surveyed the intermediate spaces, if any there be between the said three tracts and return plats thereof with an account of the expence to the board of treas^r ² and that the said board, provided it can be done without infringing any contract they may have already made, convey the same to the said United brethren or the society of the said brethren for propagating the Gospel

¹ The concluding part of this paragraph, which is crossed off in the original report, reads as follows: "and it appearing that the Geographer of the United States is well convinced of the practicability of his being able to return plats of the said Surveys into the treasury office before the commencement of the ensuing year, without interfering with the business he is now on his way to execute".

² Roger Alden takes up the entry.

among the heathen, upon their paying ¹ for the said intermediate space or spaces when the said surveys shall be returned by the Geographer, at the rate at which such lands are granted to others, and also the expences attending the surveying and plotting the said spaces, deducting the sum advanced for surveying the three tracts, provided that in case any of the abovementioned lands shall fall within the supposed bounds of the million of acres reserved for the late Army, that the said bounds shall be understood to extend so far to the westward as to include the million of acres exclusive of the abovementioned lands.

² The motion ³ which was yesterday made by M^r [Pierpont] Edwards seconded by M^r [Theodore] Sedgwick being again moved and read

A motion was made by M^r [Joshua] Seney seconded by M^r [David] Ross to amend the same by inserting the words "and that the city of Annapolis in the state of Maryland be the place" immediately after the words "be the time" and on the question to agree to this Amendment the yeas and nays being required by M^r [Joshua] Seney,

¹ The portion of the resolve from this point to the end was written in the original report by Mr. Abraham Clark in substitution for another clause which is crossed off and reads as follows: "into the board of treasury for the said intermediate spaces or tracts when the Surveys are returned at the rate at which such lands are granted to others and also the expence attending the surveying and plating the said intermediate spaces deducting the sum advanced for surveying the three tracts."

² Charles Thomson resumes the entry.

³ Upon the subject of the organization of the government under the Constitution. See July 8, September 2, 4 and 13, 1788.

<i>New Hampshire</i>			<i>Delaware</i>	
Mr Wingate	no	*	Mr Kearny	no
<i>Massachusetts</i>			Mr Mitchell	ay
Mr Sedgwick	no	}no	<i>Maryland</i>	
Mr Dane	no		Mr Seney	ay
<i>Connecticut</i>			Mr Ross	ay
Mr Huntington	no	}no	<i>Virginia</i>	
Mr Edwards	no		Mr Griffin	no
<i>New York</i>			Mr Madison	no
Mr Yates	no	*	Mr Carrington	no
<i>New Jersey</i>			<i>South Carolina</i>	
Mr Clarke	no	}no	Mr Huger	no
Mr Dayton	no		Mr Parker	no
<i>Pennsylvania</i>			Mr Tucker	no
Mr Meredith	ay	}ay	<i>Georgia</i>	
Mr Armstrong	ay		Mr Few	ay
Mr Bingham	ay		Mr Baldwin	no
Mr Reid	ay	no		

So the question was lost.

¹ The secretary for the department for foreign Affairs having transmitted ² to Congress a letter from their high Mightinesses the states general of the United Netherlands and a memoire of from Mr Van berckel their Minister plenipotentiary to Congress, of which the following are translations

To the United States of America in Congress assembled

OUR FRIENDS AND ALLIES,

Various reasons conducive to our interest have induced us to recal Mr Van Berckel home, who has resided some time with you as our Minister plenipotentiary. We trust that his conduct during his residence with you ³

¹ From this point to the end of the day the proceedings were entered by Charles Thomson and Roger Alden, in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1701-1705. The answers of Congress were also entered by John Fisher and attested by Charles Thomson in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 427-429. Charles Thomson begins the entry.

² See August 28, 1788.

³ Roger Alden takes up the entry.

has merited your approbation, as it has fully merited ours, and that You will have the goodness to part with him in a friendly manner.

We have charged him previous to his departure to assure You of our continued regard for Your persons and Government, and of our disposition to maintain with You good friendship and intercourse. We request that you will please to give full faith to the assurances he shall make You relative thereto on our behalf, and of the continuance of our Affection, wherewith we conclude, Our friends and Allies, recommending You to Gods holy protection.

At the HAGUE

the 8th May 1788.

The States General of the United Netherlands

W. N. PESTERS.

By order, H. FAGEL.

To the United States of America,

Memoire.

The undersigned Minister Plenipotentiary of the States General of the United Netherlands, has the honor to inform Congress, that he has received a Resolution, by which their High Mightinesses have been pleased to recall him. He thinks it his duty to deliver the letters which his Masters have addressed to him on this subject, and thereby perform without delay the last function he has to fulfil.

It is with the highest satisfaction that he perceives himself authorised to repeat the Assurances of friendship and good will which he made at the commencement of his ministry; and to declare in the name of his Masters, that they constantly desire to promote and confirm the harmony and good understanding which so happily subsist between the two Nations.

Could their High Mightinesses have been apprized of the important [change ¹] made by the United States in their Government, they would probably have ordered the Undersigned Minister to testify how ardently they wish, that this revolution may conduce to the grandeur, the prosperity and duration of a republic, whose success cannot fail to be exceedingly dear to them.

To these Assurances of Attachment and good will on the part of his masters, the undersigned Minister cannot forbear to add expressions of the lively gratitude with which he is impressed by the gracious reception he has experienced during his residence for several Years near Congress. He has been a witness to the efforts made by this Assembly, to establish the Government confided to them on a solid and permanent basis. His communications to his Masters have always been calculated to impress them with the importance of this Object, and to cherish the friendly dispositions of their High Mightinesses.

He flatters himself that his conduct has been such as to leave no doubts respecting the purity of his Intentions, and his attachment to the reciprocal Interests of the two powers. It would give him the highest satisfaction to be ascertained, that his exertions have conduced to confirm the connection, and strengthen the commercial and political relations which one of the most happy and important of revolutions had formed between them.

May the great Arbiter of events be propitious to the measures now pursuing by all the members of the Confederacy, and may the Government about to be established ensure prosperity to a Nation, who from their Origin have astonished Europe, and whose situation,

¹ This word, omitted from the *Journal*, is supplied from the original translation in *Papers of the Continental Congress*, no. 99, p. 304 b.

internal Resources and political constitution, as well as the moderation and patriotism of their Counsels destine to become one of the most great, most powerful and most happy in the world.

NEW YORK 25th Aug^t 1788

(signed) P. J. VAN BERCKEL

¹ And the said letter and memoire having been referred to the Secretary for foreign Affairs who reported ² an Answer to their High Mightinesses which was agreed to as follows

To their High Mightinesses the States general of the United Netherlands,

HIGH AND MIGHTY LORDS, OUR GOOD FRIENDS AND ALLIES

Mr Van berckel your minister plenipotentiary near us has delivered to us your letter dated the 8th of May last in which you inform us that reasons conducive to your interest have induced you to recall him.

It gives us pleasure to find that his conduct here has fully merited your approbation and we assure you that it has been entirely satisfactory to us. He appears to us to deserve well of both countries and to merit proofs of the esteem of both. We are happy to receive from him by your order, such strong assurances of the continuance of your affection and we entreat you to be persuaded that we shall constantly endeavour to render the friendship subsisting between us as permanent as it is pleasing.

We recommend you to God's holy protection and keeping. Written by your good friends and allies the

¹ Charles Thomson resumes the entry.

² *Papers of the Continental Congress*, No. 81, III, pp. 83-85, read September 3, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 205, the report was referred back to the Secretary for Foreign Affairs to take order.

United States of America in Congress assembled at the city of New York on the third day of Sep 1788.

He also reported an answer to the Memoire of M^r Van Berckel which was agreed to and referred back to him to take order and is in the words following

¹ SIR: In obedience to the orders of Congress, I have the honor to inform You that being desirous that the most perfect harmony and friendship should subsist and continue between their High Mightinesses and them, they were always solicitous that the Affairs of the two countries relative to each other should be conducted by men whose characters and dispositions tended to promote those great and desireable objects.

It gives them pleasure to find from the letter of the States General, that Your conduct during Your residence here is fully approved by their High Mightinesses; And I am directed to assure You that it has been perfectly satisfactory to Congress. Every mark of confidence and esteem with which You may in future be honored by your country will afford them satisfaction, and they sincerely wish that public respect, and domestic happiness may conspire in rendering the remainder of Your days useful to others, and agreeable to Yourself.

[Motion of Mr. Lee respecting resolutions for appropriations²]

Whereas in the course of the late war, and since the conclusion of the peace resolves of Congress have been passed, appropriating public money, and are not to be found on the printed Journals, which irregularity hides from the knowledge of the community the application of their common treasure.

⁵ Roger Alden again takes up the entry.

⁶ *Papers of the Continental Congress*, No. 36, III, p. 417, in the writing of Mr. Henry Lee. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 205, the motion was referred to the committee of five on the Department of Finance, which was appointed July 7, 1788.

Resolved. That the board of treasury transmit to the Secretary of Congress a list of all such resolves not in their nature secret, that they may be affixed to the journals of the present year, for the information of the good people of the U S.

[Report of committee on the proposition of Pennsylvania for annexing jurisdiction¹]

[Report of Secretary for Foreign Affairs respecting navigation of the Mississippi²]

OFFICE FOR FOREIGN AFFAIRS

2^d September 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Motion³ of the Honorable the Delegates of North Carolina in the Words following, Viz^t

“Whereas many Citizens of the United States who possess Lands on the Western Waters, have expressed much Uneasiness from a Report that Congress are disposed to treat with Spain for the Surrender of their Claim to the Navigation of the River Mississippi in Order therefore to quiet the minds of our fellow Citizens by removing such ill founded Apprehensions, Resolved that the United States have a clear, absolute and unalienable Claim to the free Navigation of the River Mississippi, which Claim is not only supported by the express Stipulations of Treaties, but by the great Law of Nature.” Reports⁴

¹ *Papers of the Continental Congress*, No. 20, II, pp. 193-194 in the writing of Mr. Nathan Dane. Read September 3 and passed September 4, 1788. It is entered in the *Journal* under this latter date. See September 1, 1788.

² *Papers of the Continental Congress*, No. 81, III, pp. 147-151, read September 3, 1788. On September 4 the report was made order of the day for September 8. It was acted on September 16, 1788, under which date the report, with minor changes, is entered in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1711-1712.

³ See July 14 and 15, 1788.

⁴ Here follows the text of the report which is entered in the *Secret Journal*.

[Letter of Secretary for Foreign Affairs on expences of Mr. Jefferson¹]

OFFICE FOR FOREIGN AFFAIRS

3^d Sep^r 1788

SIR: congress has been pleased to refer to me (to report) the Letter I had the Honor of writing to your Excellency, stating M^r Jefferson's Doubts whether certain Expences should be borne by the united States or by him. Having been in a situation somewhat similar to his, this Reference places me in circumstances so delicate, that I cannot forbear requesting the Favor of congress to refer this Business to a Committee.

with sincere Esteem, etc.,

JOHN JAY

His Excellency THE PRESID^t OF CONGRESS.

Letter of Secretary for Foreign Affairs on importation of convicts²]

OFFICE FOR FOREIGN AFFAIRS

3 Sep^r 1788.

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, an affidavit of Leonard White Outerbridge, respecting the Importation of Convicts into the united States by a british vessel. For this Information I am indebted to S^r John Temple. a gentle Remonstrance on this Subject to the Court of London, would probably prevent such an improper Practice in future, as to the present

¹ *Papers of the Continental Congress*, No. 80, III, p. 569, read September 3, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 205, the subject was referred to a committee consisting of Mr. Hugh Williamson, Mr. Abraham Clark and Mr. Theodore Sedgwick. The letter is indorsed "not reported". See August 22 and October 2, 1788.

² *Papers of the Continental Congress*, No. 80, III, p. 565, read September 3, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 205, the letter was referred to the Secretary for Foreign Affairs to report. Report rendered and acted on September 16, 1788.

Case, there is Reason to suppose that it arose from the unauthorized Interference of Lord Dunmore.

with great Respect, etc.,

JOHN JAY ¹

His Excellency THE PRESIDENT OF CONGRESS.

² THURSDAY, SEPTEMBER 4, 1788.

Congress assembled present New hampshire Massachusetts Connecticut, New York New Jersey Pensylvania Delaware Maryland Virginia North Carolina South Carolina and Georgia.

The motion³ made by Mr [Pierpont] Edwards seconded by Mr [Theodore] Sedgwick being again moved and read, a motion⁴ was made by Mr [Thomas Tudor] Tucker seconded by Mr ~~Clarke~~ [Daniel] Huger that the same be postponed in order to take up the following viz.

⁵ Whereas after long deliberation on the subject of the new constitution so far as the agency of Congress is required to give it effect, there appears to be a diversity of sentiment with respect to the place for commencing proceedings under the said Constitution, which may prevent a speedy and definite decision thereon; and whereas a farther delay of the other essential parts of this business might be productive of much national inconvenience, therefore

Resolved, that the first Wednesday in Jan^y next be the time for appointing Electors in the several States, which before the said day shall have ratified the said constitution; that the

¹ SEPTEMBER 3, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 205 was referred to the Board of Treasury to report:

Letter of Governor of Virginia to the Delegates of Virginia, August 11, 1788, respecting pensions to invalids. *Papers of the Continental Congress*, No. 71, II, p. 655. Report rendered September 5, 1788.

² Charles Thomson begins the entry.

³ See September 2, 1788. See also July 8, September 3, 12 and 13, 1788.

⁴ *Papers of the Continental Congress*, No. 23, pp. 349-350, in the writing of Mr. Thomas Tudor Tucker. Debated and lost September 4, 1788.

⁵ Roger Alden takes up the entry.

first Wednesday in Feb^y next be the day for the Electors to assemble in their respective States, and vote for a President, and that the first Wednesday in March next be the time for commencing proceedings under the said Constitution, at such place as Congress shall hereafter appoint, or, failing such appointment, at ~~such~~ [the] place ~~as shall at the time~~ [which shall] immediately ~~preceeding~~ [before] the last mentioned day, be the seat of Congress."

¹ On the question to postpone for the purpose above-mentioned the yeas and nays being required by Mr [Thomas Tudor] Tucker

<i>New Hampshire</i>		<i>Delaware</i>	
Mr Gilman	ay	Mr Kearny	no
Mr Wingate	ay	Mr Mitchell	no
<i>Massachusetts</i>		<i>Maryland</i>	
Mr Dane	ay	Mr Seney	no
Mr Thatcher	ay	Mr Ross	no
<i>Connecticut</i>		<i>Virginia</i>	
Mr Huntington	ay	Mr Griffin	no
Mr Edwards	ay	Mr Madison	no
<i>New York</i>		Mr Carrington	no
Mr Gansevoort	ay	Mr Lee	ay
Mr Yates	ay	<i>South Carolina</i>	
<i>New Jersey</i>		Mr Huger	ay
Mr Clarke	ay	Mr Parker	ay
Mr Dayton	ay	Mr Tucker	ay
<i>Pennsylvania</i>		<i>Georgia</i>	
Mr Irvine	no	Mr Few	ay
Mr Meredith	no	Mr Baldwin	no
Mr Bingham	no		
Mr Reid	no		

So the question was lost.

On the question to agree to the motion of Mr [Pierpont] Edwards as entered on the journal of tuesday last the yeas

¹ Charles Thomason resumes the entry.

and nays being required by Mr [Nicholas] Gilman and Mr [Daniel] Huger

New Hampshire

Mr Gilman	ay	}ay
Mr Wingate	ay	

Massachusetts

Mr Dane	ay	}ay
Mr Thatcher	ay	

Connecticut

Mr Huntington	ay	}ay
Mr Edwards	ay	

New York

Mr Gansevoort	ay	}ay
Mr Yates	ay	

New Jersey

Mr Clarke	ay	}ay
Mr Dayton	ay	

Pensylvania

Mr Irvine	no	}no
Mr Meredith	no	
Mr Bingham	no	
Mr Reid	no	

Delaware

Mr Kearny	no	}no
Mr Mitchel	no	

Maryland

Mr Seney	no	}no
Mr Ross	no	

Virginia

Mr Griffin	no	}no
Mr Madison	no	
Mr Carrington	no	
Mr Lee	ay	

South Carolina

Mr Huger	ay	}ay
Mr Parker	ay	
Mr Tucker	ay	

Georgia

Mr Few	no	}no
Mr Baldwin	no	

So the question was lost.

[Motion of Mr. Clark relating to the board of commissioners for settling accounts ¹]

Whereas by an Ordinance entitled An Ordinance ² for Settling the Accounts between the U. S. and individual States, passed the Seventh day of May 1787, it is ordained that a board consisting of three commiss^{rs} be appointed by the U. S. in Congress Assembled, whose duty it shall be to receive from the comptroller of the treasury, and from the Commissioner of Army Accounts all the Accounts and claims of the several States deposited in their respective offices, and to examine such of the said Accounts as shall have been passed by the Commiss^{rs} of the several districts, in order that the same may be

¹ *Papers of the Continental Congress*, No. 36, III, pp. 421-422, in the writing of Mr. Abraham Clark. According to indorsement the motion was negatived.

² *Journals*, vol XXXII, pp. 262-266.

finally adjusted on uniform and equitable principles, having reference to the Settlements of Accounts heretofore made by the commiss^{rs} of the different States; giving and granting unto said Commiss^{rs} full power and authority as in said ordinance is mentioned; and that the determination of a majority of the said board of commiss^{rs} on the Claims Submitted to them shall be final and Conclusive. And whereas the business and trust committed to the said board appears to be of too important a nature to rest the final determination thereof on a number so small as the majority of three, whereupon

Resolved That the said board mentioned in the afores^d Ordinance shall consist of four Commiss^{rs} whose duty and powers shall be the same as those which by the said Ordinance are appointed and granted to three; and that a concurrence of three of the said four shall be necessary to give validity to their determination on each and every matter to them Submitted; any thing in said Ordinance to the Contrary notwithstanding. And that the pay of the said board of Commiss^{rs} shall be at the rate of dollars per Annum each, while in the execution of their office; and that of their Clerks at a rate not exceeding four hundred and fifty dollars per Annum each.

On motion, *Ordered* That the election of the board consisting of three commissioners pursuant to the Ordinance of the 7 May 1787 entitled an Ordinance for settling accounts between the United States and individual states be the order of the day for tuesday next.

On motion of M^r [Abraham] Clarke seconded by M^r [Dyre] Kearny

Resolved ¹ That the duties of paymaster gen^l having been united with ² those of the commissioner of army accounts by an act ³ of congress of the 23^d March 1787, the present commissioner is entitled by former resolutions of Congress as Pay Master General, to send and receive all letters respecting the business of said Offices free of postage.

¹ *Papers of the Continental Congress*, No. 61, p. 579, in the writing of Mr. Abraham Clark.

² Roger Alden again takes up the entry.

³ *Journals*, vol. XXXII, p. 129.

¹ On a report ² of a committee consisting of Mr [Nathan] Dane, Mr [Theodore] Sedgwick, and Mr [James] Madison, to whom was referred a motion ³ of the Delegates of Pennsylvania,

Whereas it appears that the board of treasury in conformity to the Act of Congress of the 6th June last have entered into a contract with the Delegates of the state of Pennsylvania in behalf of the said State, for the tract of land bounded East, agreeably to the cession of western territory by the States of Massachusetts and New York, south, by Pennsylvania, North and West, by lake Erie, and whereas the said tract is entirely separated from the other lands of the western territory, over which the jurisdiction of the United States extends; and whereas under these circumstances it will be expedient for the State of Pennsylvania to hold and exercise jurisdiction over the tract aforesaid, therefore,

Resolved, that the United States do hereby relinquish, and transfer all their right, title and claim to the Government and Jurisdiction of the said tract of land,⁴ to the State of Pennsylvania forever; and it is hereby declared and made known that the laws and public Acts of the said State shall extend over every part of the same tract to all intents and purposes as if the same had been originally within the charter bounds of the said State; provided that the Inhabitants of the said tract shall be maintained in all the rights and priveleges

¹ The proceedings from this point to the end of the day were entered by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 70-72.

² See September 3, 1788.

³ See September 1, 1788.

⁴ At this point in the original report the following clause was interlined and then crossed off: "(excepting so far as the jurisdiction thereof is or may be vested in the government of the United States)".

which other citizens of the said State of Pennsylvania are now or may hereafter be constitutionally entitled to enjoy.¹

² FRIDAY, SEPTEMBER 5, 1788.

Congress assembled present as yesterday.

[Report of committee on memorial of J. Story ³]

The Committee consisting of [Mr. Paine Wingate, Mr. Daniel Huger and Mr. John Armstrong] to whom was referred the memorial of John Story dated Feb. 7, 1785. and the Report of the Board of Treasury thereon, also his memorial of March 20, 1788, Report,

That they have carefully attended to the Representation of M^r Story's case, and to the papers which accompany his memorials, And after the fullest investigation of his pretences and claims which they are able to make, they are of opinion that M^r Story may with propriety have his pay, as Commissioner of accounts for the State of Pennsylvania, continued from Sep. 1. 1786 to December 20 following, when his accounts were finally settled with the comptroller, and that the pay of his Clerks be further allowed to him, one of them for two months, and the other for two months and a half, during which time they were employed by him in that department, also that his contingent expences be allowed to him amounting to thirty three dollars and seventy five ninetieths. Therefore the committee submit the following resolution.⁴

On the report of a com^{ee} consisting of M^r [Paine] Wingate M^r [Daniel] Huger and M^r [John] Armstrong to whom were referred sundry letters and memorials from John Story

Resolved That John Story be allowed the sum of six hundred and three dollars and twenty five ninetieths in full consideration of all his past services and claims and that the board of treasury take order to settle with him accordingly.

¹ SEPTEMBER 4, 1788. According to indorsement the report of the Secretary for Foreign Affairs on the motion of North Carolina was made the order of the day for September 8 and was acted on September 16, 1788. See September 3, 1788.

² Charles Thomson resumes the entry.

³ *Papers of the Continental Congress*, No. 19, V, p. 431, in the writing of Mr. Paine Wingate. Read and passed September 5, 1788. See February 1, March 12, 25, and July 28, 1788.

⁴ The resolve which follows in the original is identical with that entered in the *Journal* below.

which other citizens of the said State of Pennsylvania are now or may hereafter be constitutionally entitled to enjoy.¹

² FRIDAY, SEPTEMBER 5, 1788.

Congress assembled present as yesterday.

[Report of committee on memorial of J. Story ³]

The Committee consisting of [Mr. Paine Wingate, Mr. Daniel Huger and Mr. John Armstrong] to whom was referred the memorial of John Story dated Feb. 7, 1785. and the Report of the Board of Treasury thereon, also his memorial of March 20, 1788, Report,

That they have carefully attended to the Representation of M^r Story's case, and to the papers which accompany his memorials, And after the fullest investigation of his pretences and claims which they are able to make, they are of opinion that M^r Story may with propriety have his pay, as Commissioner of accounts for the State of Pennsylvania, continued from Sep. 1. 1786 to December 20 following, when his accounts were finally settled with the comptroller, and that the pay of his Clerks be further allowed to him, one of them for two months, and the other for two months and a half, during which time they were employed by him in that department, also that his contingent expences be allowed to him amounting to thirty three dollars and seventy five ninetieths. Therefore the committee submit the following resolution.⁴

On the report of a com^{ee} consisting of M^r [Paine] Wingate M^r [Daniel] Huger and M^r [John] Armstrong to whom were referred sundry letters and memorials from John Story

Resolved That John Story be allowed the sum of six hundred and three dollars and twenty five ninetieths in full consideration of all his past services and claims and that the board of treasury take order to settle with him accordingly.

¹ SEPTEMBER 4, 1788. According to indorsement the report of the Secretary for Foreign Affairs on the motion of North Carolina was made the order of the day for September 8 and was acted on September 16, 1788. See September 3, 1788.

² Charles Thomson resumes the entry.

³ *Papers of the Continental Congress*, No. 19, V, p. 431, in the writing of Mr. Paine Wingate. Read and passed September 5, 1788. See February 1, March 12, 25, and July 28, 1788.

⁴ The resolve which follows in the original is identical with that entered in the *Journal* below.

[Report of Board of Treasury on invalid pensions ¹]

The Board of Treasury to whom was referred a Letter of his Excellency the Governor of the State of Virginia dated the 11th August last on the subject of Arrearages of Pensions due to Invalids in the State of Virginia,

Beg leave to lay before Congress a Copy of a letter written by the Board on this subject to Oliver Wolcott Esq^r Comptroller of Accounts for the State of Connecticut. Should the construction given by the Board on the several Acts of Congress, referred to in this Letter, meet with the approbation of that Honorable Body; we submit to their opinion the propriety of directing the Commissioners of the Treasury to transmit a copy of the same for the information of the Executive of the State of Virginia.

All which is humbly Submitted

SAMUEL OSGOOD

September 4th 1788

ARTHUR LEE

[Motion of Mr. Williamson respecting letter to Wolcott ²]

Resolved that a Copy of the Letter written by the Board of Treasury to Oli Wolcott be sent to the Executive of the Several States for their Information as to the general Rule of settling the Accounts of Invalids.

MONDAY, SEPTEMBER 8, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York Pensylvania Delaware Mary-

¹ *Papers of the Continental Congress*, No. 139, pp. 697-698, read September 5, 1788. The enclosure, a copy of a letter of the Board to Oliver Wolcott, July 21, 1788, is on pp. 701-704. The covering letter of the Board, indorsed as read September 4, 1788, is in *Papers of the Continental Congress*, No. 140, I, p. 607. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 205, the report was referred to the Board of Treasury to take order. See September 3, 1788.

² *Papers of the Continental Congress*, No. 26, p. 695, in the writing of Mr. Hugh Williamson. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 206, the motion was referred to the Board of Treasury to take order.

land Virginia North Carolina South Carolina and Georgia and from Rhode island M^r [Peleg] Arnold.¹

TUESDAY, SEPTEMBER 9, 1788.

Congress assembled present as yesterday together with New Jersey New hampshire Massachussetts, Connecticut, New York, New Jersey Pensylvania Delaware, Virginia N Carolina S Carolina and Georgia and from Rhode island M^r [Peleg] Arnold.

According to the order of the day² Congress proceeded to the election of three commissioners pursuant to the ordinance of the 7 May 1787 and the ballots being taken the two following were elected M^r W[illiam] Irvine having been previously nominated by M^r [John] Armstrong M^r John Taylor Gilman, having been nominated by M^r [Paine] Wingate.

Ordered that the election of the third³ be postponed till tomorrow.

¹ SEPTEMBER 8, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 206, the following committee was appointed:

Mr. Alexander Hamilton, Mr. James Madison, Mr. Hugh Williamson, Mr. Nathan Dane and Mr. Pierpont Edwards on the report of the Secretary for Foreign Affairs on the motion of the delegates of North Carolina respecting the Mississippi. See September 3, 1788. Report rendered September 15 and acted on September 16, 1788. See also September 4, 1788.

According to indorsement and the *Committee Book*, was read and referred to the Board of Treasury to report:

Memorial of Donald Campbell, September 1, 1788, respecting his claims against the United States. *Papers of the Continental Congress*, No. 41, II, pp. 400-402. An account of May 17, 1787 is on p. 367 and sundry memorials of Campbell on pp. 363-399. Report rendered September 12, 1788.

According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 38, the committee of August 25, 1788, on the report of the Board of Treasury on the memorial of A. W. White, reported and the report was filed. See May 15 and July 30, 1788.

² See September 4, 1788.

³ See September 13, 1788.

[Motion of Mr. Kearny respecting the commissioner to Southern Indians¹]

Resolved that the Board of Treasury take order for paying to William Perry late Commissioner for treating with the Southern Indians the Sum of Dollars being the Amount of the Stipend allowed to said Commissioner by the Resolve of Congress of Blank.²

WEDNESDAY, SEPTEMBER 10, 1788.

Congress assembled present as yesterday.

[Report of Board of Treasury on motion of the delegates of Virginia³]

The Board of Treasury to whom was referred a Motion of the Honble. the Delegates of the State of Virginia

Beg leave to Report to Congress,

"That the Object of the said Motion is, to vest the Commissioner of the district comprehending the State of Virginia, [with authority] to admit as valid, documents of Claims against the Union, such entries in the books of the State Auditor and Treasurer as relate to advances made on account of the United States from the 1st of September 1775 to the 4th January 1781; in all cases, where it shall appear to the satisfaction of the Commissioner, that the vouchers have been destroyed as set forth by the General Assembly."

¹ *Papers of the Continental Congress*, No. 36, III, p. 423, in the writing of Mr. Dyre Kearny. Read September 9, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 206, the motion was referred to the Board of Treasury to report. Report rendered September 30, 1788. See October 2, 1788.

² SEPTEMBER 9, 1788. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 206, was read and referred to the Board of Treasury to report:

Petition of Duncan Campbell requesting payment of accounts claimed in his petition of May 7, 1787, that was referred to the Board of Treasury to Report on July 7, 1787. *Papers of the Continental Congress*, No. 42, II, pp. 243-244. Report rendered September 16, 1788. See also the report of the Commissioner of Army Accounts, read September 12, 1785. *Journals*, vol. XXIX, p. 691n.

³ *Papers of the Continental Congress*, No. 138, I, pp. 421-429, read September 10, 1788. The mentioned enclosures are on pp. 431-442 and 453-458. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 611. See August 20, and September 11, 1788.

On the above Motion, the Board beg leave to Observe; That on a representation made to Congress on the part of the State of the loss of their Vouchers previous to the date abovementioned it was on the 10th of Feb^y 1783, resolved¹ by Congress,

"That the Superintendant of Finance be directed to instruct the Commissioner appointed to settle the Accounts of Virginia with the United States, to receive such proofs as shall be exhibited to him instead of the Vouchers, which have been lost or destroyed in consequence of the invasion of the said State; and that he shall transmit to the Superintendant a special Report on all such charges, which Report shall be submitted to Congress to be finally decided on."

That in pursuance of this Act the said Commissioner has stated, "That the amount of Expenditures said to be made by the State on account of the United States to the 1st Sept^r 1777, was £303,835, in Specie, or so deemed."

That from that period to the 31 Dec^r 1780 he states the Expenditures to have been £5.668.777, 8, 3 Virginia Currency, Nominal to be reduced to Specie Value, at the decision of Congress.

That in this Statement, The Commissioner neglected to Report.

- 1st The Objects for which the Monies were said to be advanced..
- 2^d The particular dates of Advance.
3. The parties to whom the advances were said to be made.
- 4th The Specie Value of the respective advances and
- 5th Such Remarks on the same, as should enable Congress to form a proper Opinion of the propriety of the respective Claims.

That this Statement appearing to the Board, in no wise conformable to the Intentions of Congress (as exprest in their Act above recited)

vide appendix A they directed the Commissioner, as will appear by their Letter of the 5th of September 1786,[#] (Copy of which is hereunto annexed) to make a Special Report on the Principles above directed; with which direction the Commissioner did not comply previous to the expiration of his Office on the 1st of January 1787.

The Board beg leave further to State to Congress,

That from sundry letters in this Office, from the late Commissioner of Accounts for the State of Virginia; as well as his Predecessor in Office, (Copies^o of which are hereunto annexed) it o vide Appendix B. C. appears that the Entries, in the Books of the State, proposed as conclusive evidence of Charge against the Union, are so

¹ *Journals*, vol. XXIV, p. 123.

made as to render it impossible in numerous instances to distinguish betwixt advances, made for the State, and those for the Union; and, where, such distinction can be made, the purposes in several and important Objects of Expenditure, do not appear authorised by the Acts of Congress; to admit therefore the mere Entries on the Books of the State Treasurer, and Auditor, as valid Documents of Claim against the Union, without any attention being paid to the Object of the advance, or the Authority by which it was sanctioned, would place the State of Virginia on a better footing (as to her Accounts for the Period abovementioned) than other States whose Vouchers have not been destroyed; which we presume could not be the expectation of that State, much less of the other States of the Union.

In all Cases, where a State has Claims against the Union, although the advance on which the same may be founded, may be supported, not only by the receipt of the party, but by subordinate Vouchers, proving the disbursement of the Monies advanced, the Object, and reasonableness of the expenditure; as well as the authority under which the same is sanctioned, are (as they certainly ought to be) subjects of Investigation. The utmost therefore which the State of Virginia can expect, so as to place the accounts of that State on an equal footing with those of other States which are supported by proper Vouchers, is, we presume, to admit the Entries of the State Treasurer, and Auditor, as evidence of Advances made on account of the Union; not, as *valid Documents of Claim*.

Such Evidence we presume they necessarily must be considered by the General Board of Commissioners to be appointed under the Ordinance of the 7th May 1787, whose authority alone extends to the final adjustment of all Claims against the Union; which are either not sanctioned by the authority of Congress, or if so, unsupported by the Necessary Vouchers.

All the Claims of the State of Virginia against the United States from the 1st Sept^r 1775 to the 1st Jan^y 1781, fall under the one or other of the above descriptions; and, of course, it would not be advisable, in the opinion of the Board, to vest the district Commissioner, with those high Authorities, which can only be exercised with Judgement and Impartiality in the mode prescribed by the Ordinance.

The above opinion of the Board is founded on what appears to them the obvious construction of the Motion referred to them. If the intention of it however, is merely to authorise the district Commissioner to admit as Claims of the State of Virginia, the Entries in the Books of the State Auditor and Treasurer, the Board apprehend he is already fully authorised so to do, by the Acts ¹ of Congress of 10th February 1783 and 7th May 1787.

It may be further necessary to observe, that, should the evidence of the Claims founded on such Entries not be exhibited to the District Commissioner previous to the expiration of his Office, that, by the Act of the 24th of June last, a further time of twelve Months is allowed to the State for bringing forward the same, in such mode, as they shall judge best adapted for explaining and supporting their pretensions.

All of which is humbly submitted.

SAMUEL OSGOOD
ARTHUR LEE ²

September 10th 1788.

THURSDAY, SEPTEMBER 11, 1788.

Congress assembled present as before.

On motion³ of the delegates of Virginia

Ordered that the said delegates have leave to transmit to the executive of the said state a copy of the report of the board of treasury made the 10th instant relative to the admission of the books of the treasurer and auditor as authentic documents for certain advances of money on account of the United States.⁴

¹ *Journals*, vol. XXIV, p. 123 and vol. XXXII, pp. 262-266, respectively.

² SEPTEMBER 10, 1788. According to indorsement was read:

Memorial of Paul R. Randall for the payment of his salary as secretary to the agency at Algiers. *Papers of the Continental Congress*, No. 41, VIII, p. 357. See September 11, 1788.

³ *Papers of the Continental Congress*, No. 20, II, p. 345, in the writing of Mr. Cyrus Griffin (?). The original motion is indorsed as passed September 10, 1788. See August 20 and September 10, 1788.

⁴ A concluding phrase, reading, "the vouchers for which have been destroyed by the enemy", was crossed off in the original.

[Report of Secretary of Congress on memoire of P. R. Randall ¹]

Sept. 11, 1788.

On the memorial ² of P. R. Randal stating that in the year 1785 he was solicited by M^r Adams, and M^r Jefferson to go with J Lamb to Algiers in quality of sec^y and was promised 150 guineas as a salary for that service, that with a hope of serving his country he accepted the Office and went on the business but hath not received any part of the salary promised and therefore praying that the stipulated salary be paid him

The Sec^y of Congress reports

That the Memorial of M^r Paul R Randall be referred
 agreed to to the board of treasury to enquire into the facts
 therein set forth and take order.³

[Report of committee on claim of Baron de Steuben ⁴]

The Committee [consisting of Mr. James Madison, Mr. Theodore Sedgwick, Mr. Alexander Hamilton, Mr. Edward Carrington and Mr. Thomas Tudor Tucker] to whom was committed the report of a Committee on the Memorial of the Baron De Steuben and the papers accompanying the same Report.

That it appears by the said Papers that the Baron De Steuben claims a settlement with the United States on the basis of a Contract alleged to have been made with Congress previous to his joining the American Army. That in support of his Claim the Baron makes

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 80.

² See September 10, 1788.

³ The reference in accordance with the recommendation of the report is entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 206.

⁴ *Papers of the Continental Congress*, No. 19, V, pp. 495-496 (6 pages), in the writing of a clerk. Read September 11, 1788. A cover on p. 493b bears the following endorsement, by Roger Alden, "These papers were collected from different files by Com^{rs} on mem^l of Baron Steuben. The report not being acted on they are preserved together in case it should again be brought into view by the future Government. 1789." See June 4, July 7, 9, 25 and August 25, 1788.

a statement¹ of the manner in which he supposes the Contract to have been formed in the following words.

At the arrival of Baron de Steuben in the year one thousand seven hundred and Seventy Seven, he was received by Congress with Marks of Distinction, and the day after his Arrival, was waited on by a Committee of Congress, composed of Doctor Witherspoon, M^r Henry of Maryland, and a third whom at this time he cannot recollect. This Committee demanded of the Baron the Conditions on which he was inclined to serve the United States and if he had made any stipulation with the Commissioners in France? He replied that he had made No agreement with them, nor was it his intention to accept any rank or pay, that he wished to join the army as a Volunteer and to render such services as the Commander in Chief should think him capable of, adding that he had no other fortune than a Revenue of about Six hundred Guineas Per Annum, arising from places and posts of Honor in Germany which he had relinquished to come to this Country, that in Consideration of this he expected the United States would defray his Necessary expences while in their Service, that if unhappily this Country should not succeed in establishing their Independance, or if he should not succeed in his endeavours for their Services, in either of these Cases he should Consider the United States as free from any Obligations towards him, but if on the other hand the United States should be happy enough to establish their freedom, and that he should be successfull in his endeavours, in that case he should expect a full indemnification for the sacrifice he had made, in coming over, and such marks of their generosity as the Justice of the United States should dictate. That if these terms were agreeable to Congress, he waited only their Orders to join the Army without delay. The Committee were pleased to applaud the generosity of his propositions in thus risking his fortune on that of the United States. The Committee then left him, in order to make their report. The next day Congress gave him an Entertainment, after which the President M^r Laurens, told him it was the desire of Congress, that he should join the Army without delay, which he did.

¹ A notarial copy of this statement, together with the certificates of Dr. Witherspoon, Mr. Gerry and Mr. Duer, mentioned below, as well as Washington's copy of the report of the Committee which received Baron de Steuben and letters of James Duane, October 16, 1787 and G. Washington, November 10, 1787, to Steuben, are in *Papers of the Continental Congress*, No. 19, V. pp. 565-572.

That this statement is accompanied by three Certificates; one from Doctor Witherspoon dated Princeton Nov. 1. 1785, by which the Doctor Certifies among other things, that he was one of the Committee who waited on the Baron de Steuben at York Town, and that he is "sensible that the above Statement, is a just and fair account of what passed on that occasion"; another from M^r Geary dated New York 23 Nov. 1785, in which he certifies among other things "That having a Seat in Congress at the time of the Barons arrival at York Town, he well remembers the Facts contained in his Statement, except what relates to the Entertainment, which he doubts not was provided, and to the time of the Baron's arrival at that place, which was in the beginning of the Year 1778, and that in Questions agitated in Congress, while he has been a Member, respecting the allowance to be made the Baron he has considered his Claim for a full indemnification and Compensation as a Claim of Justice founded in the verbal Contract of the Parties"; and a third from M^r Duer in which he certifies among other things; "That he was a Member of Congress and of the Board of War when the Baron de Steuben arrived at York Town, and though he was not present when the Baron had his first Interview with the Committee of Congress, being absent for a few days on a visit to Manheim, he perfectly remembers that the Account he received on his return to York Town of the Engagements entered into with the Baron Steuben by Congress was perfectly similar to that which the Baron has above Stated".

That it also appears from the said Papers, that in January 1778 Congress received a Letter from the Baron De Steuben Dated Portsmouth December 6, 1777, which Letter among other things contains this declaration "that he had made No Conditions with the Deputies of CONGRESS in France, and that he should make none with THEM." That in Consequence of this letter Congress resolved, that the President should present the Thanks of Congress to the Baron for the Zeal he had shewn for the Cause of America, and the disinterested Tender he had made of his Military Talents, and enform him that Congress chearfully accepted of his Service as a Volunteer in the Army of these States, and wished him to repair to General Washington's quarters as soon as convenient. That it further appears from the said Papers that the Committee appointed to confer with the Baron, at York Town as before mentioned, consisting of M^r Witherspoon M^r M^rKean M J L. Lee and M^r Henry made at that time a written report to Congress in the Words following,

"The Baron Steuben, who was a Lieutenant General and Aid De Camp to the King of Prussia, desires no rank, is willing to attend General Washington and be subject to his Orders, does not require or desire any Command of a particular Corps or Division, but will serve occasionally as directed by the General, expects to be of use in planning Encampments, etc* and promoting the Discipline of the Army; he heard before he left France of the dissatisfaction of the Americans with the promotion of Foreign Officers, therefore makes No terms, nor will accept of anything but with general approbation, and particularly that of General Washington. Letters and Certificates from different Gentlemen to the Baron expressing their sense of the Contract alledged to have been made by him, have also been laid before your Committee but the above report and the preceeding Act of Congress, being the only records on this subject, Your Committee do not find that any demand was made by the Baron of Indemnification for Offices which he may have relinquished in Germany, nor any promise of such Indemnification made by Congress."

That your Committee perceiving in the two latter documents an appearance of repugnancy to the foregoing Statement by the Baron thought it proper to communicate them to M^r Gerry in order that such Explanations as the Nature of the Case should admit might be afforded. That in Consequence of this Communication a letter has been received from M^r Gerry addressed to a Member of your Committee, of which the following is an Extract, "I have received your Letter requesting any explanation which may serve to throw further light on the Subject" of the Baron de Steuben's claim, and enclosing an extract of a report lately made thereon. In answer thereto, I must observe that the distance of the period at which the Baron arrived at York Town is such, as to make it difficult if not impossible for a person to be very particular or positive in the Explanations requested; but the Embarrassments which resulted at that time, from the undisciplined state of our army, the Joy that ensued on the arrival of so experienced and respectable an Officer as the Baron, and the prospects afforded us by this Event of soon having an Army that could face the Enemy, were Circumstances in the progress of the War too important to be even at this late period, wholly forgot. As well as I can recollect, the Committee who first conferred with the Baron, made a verbal or parole report, in addition to and explanatory of their written report. The Baron had in Europe, as well as subse-

quent to his Arrival in America, been informed of the dissatisfaction of the American Officers, at the introduction of foreign Officers into our Army, many of whom having been totally disqualified for the offices they filled had produc'd in the Army a general aversion to the Appointment of such Officers, he was likewise apprized of the Jealousy that might prevail from any claim on his part, of rank or Emolument and that his Abilities would be of very little service to the Army, unless he could prevent their viewing him in an invidious light, and establish himself in their Love and Confidence. The Baron also conducted himself as an Officer having high Ideas of Honor, and an Opinion that it, would be not only derogatory to his own reputation to make any pecuniary stipulations with Congress, and thus degrade himself to a *Soldier of Fortune*, but that it would derogate from the Honor of Congress as a *sovereign* power, to suppose such Stipulations necessary for securing either their Justice or Generosity. For these reasons it appeared to me and to such of the Members of Congress as I then conferred with on the subject, that the Committee, had conducted properly in making the verbal report, the Substance of which has been communicated to Congress and is contained in the Baron's printed Statement¹ of this Matter."

That from the whole Completion of the Evidence as above Stated, and upon all the Circumstances of the Case, Your Committee are of Opinion that it is not adviseable for Congress to take any definitive resolution respecting the validity of the Contract insisted on by the Baron. Your Committee are the rather inclined to this Opinion, as it appears that the Baron has not thought proper in any former Application to Congress to bring forward the Contract on which he now founds his Claim and as it also appears that shortly after his joining the Army he received an important Appointment therein to which were annexed regular emoluments which have been received by him together with the Commutation allowed officers of his rank as a reward for their Services. Nevertheless as the Baron de Steuben has rendered essential services to the United States during the late War, as considerable sacrifices were made by him in coming to this Country, as the Compensations which have been heretofore received by him, have, from the Embarrassments of the public finances, been made under Circumstances less favourable to enabling him to make compleat and permanent provision for his own

¹ *Papers of the Continental Congress*, No. 19, V, following p. 585.

Support, than was to have been wished, so that the sums paid him have been exhausted in defraying his Current Expences, and he remains incumbered with Considerable debts contracted in relation to his Voyage to America and entrance into the service of the United States. As it also appears that the Baron relies on the intimations stated to have been given him by the Committee with whom he conferred at York Town as amounting to a Contract, and that taking them to have been as stated (whatever may be the true construction of the transaction) they were calculated to produce the expectations he entertains, your Committee upon the whole are of opinion that the Dignity and Justice of the United States require some further compensation and indemnity to the Baron for his services and Sacrifices; and to extricate him from the Embarrassments under which he now labours.

Wherefore your Committee submit the following Resolutions,

That the Baron de Steuben be allowed the sum of for discharging the debts owing by him on account of monies borrowed by him for the purpose of Coming to America, and of making the Necessary preparations to enter into the Service of the United States. And that the Board of Treasury take order for the payment of the said Sum as soon as may be consistent with the state of the Finances.

That the Baron de Steuben be further allowed during his life the yearly sum of to commence from the day of Provided that the United States may whenever they think proper discharge the said Annuity by paying to the Baron the value thereof on a Calculation of Interest at Per Cent.¹

¹ SEPTEMBER 11, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 206, the following committee was appointed:

Mr. Alexander Hamilton, Mr. William Irvine, Mr. Nathan Dane, Mr. Thomas Tudor Tucker and Mr. Jonathan Dayton on the memorial of J. Mercier, U. Hay, D. Franks and J. Bindon respecting the Canadian refugees. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 39, this memorial was received (read) September 11, 1788, but as the committee did not report it is not among the *Papers of the Continental Congress*.

FRIDAY, SEPTEMBER 12, 1788.

Congress assembled present as before.

[Report of Board of Treasury on petition of Donald Campbell ¹]

The Board of Treasury to whom was referred the Memorial ² of Donald Campbell

Beg leave to Report to Congress,

That in consequence of the Resolve ³ of Congress of the 19th of April 1787, directing the Board to report fully on the Claims of the Memorialist, and to settle what was equitably due to him; the Commissioners of this Board investigated with attention his several Claims and reported ⁴ specially on them to Congress on the 31st of July 1787.

That in consequence of this Report it was on that day resolved by that Honble. Body in the manner following.

"That there be allowed to Donald Campbell late Deputy Quarter Master General in the service of the United States the sum of Four thousand two hundred and sixty Dollars, being the amount of the pay due to him at the rate of Forty Dollars per month from the 17th of July 1775 to the 2^d June 1784; being the period when the whole Army of the United States were disbanded; as also the further sum of four hundred and forty Dollars 49/90ths. on account of Arrearages of Rations of Provisions and forage due to him from the 1st of January 1776 to the 13th of February 1777, at which period he ceased to be in actual service."

"Resolved, That the abovesums bear Interest at the expiration of each year, as they respectively became due; and that the same be in full of all Claims of the said Donald Campbell against the United States."

"Resolved, That the Memorial of Donald Campbell, praying that his Accounts as Deputy Quarter Master General which were finally adjusted on the 14th November 1781, might be revised; and that the Principal and Interest of the Certificate by him received for the balance, should be discharged cannot be complied with."

¹ *Papers of the Continental Congress*, No. 138, I, pp. 179-185, read September 12, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 615.

² See September 8, 1788.

³ *Journals*, vol. XXXII, pp. 215-216.

⁴ The Committee reported on July 30, 1787 (*Journals*, vol. XXXIII, pp. 430-436). Resolutions of Congress on the report were made July 31, 1787 (*Journals*, vol. XXXIII, pp. 439-440).

The Board further Report,

That, on the 11th day of October last it was recommended ¹ by Congress to the State of New York, to pay to Donald Campbell the sum of Two thousand Dollars, on account of a Debt specified to be due to him from the United States, by the Resolve of the 31st of July last, which sum appears to have been accordingly paid.

Hence it results, that the Claims of the Memorialist against the United States, and the payments made on the same are as follows.

On an Account of Supplies and Commissions whilst acting as Deputy Quarter Master General in Canada during the late War being 5,595.35 Dollars Principal a balance of 4000 Dollars, for the Amount of which a Certificate was issued to him by the Register of the Treasury.

On account of his pay, arrearages of Rations and Forage the sum of 4,700 49/90ths Dollars, principal.

That on account of the former he has received from the late Superintendent of Finance the sum of 1,595 35/90ths. Dollars, which is a far greater proportion, than has been received by almost every other Creditor of the Union, whose Claims had been liquidated and settled in the same mode with M^r Campbells.

That on account of the latter he has received in pursuance of the Act of Congress of the 11th of October last Two thousand Dollars in Specie; which the Board presume is as large a proportion of the sum due to him under this head as has been received in actual Specie by other Officers in the line of the army, very few instances (and such as the Board conceive ought not to form a precedent) excepted.

On the whole, the Board are of Opinion, that as neither the circumstances stated in the Memorial now referred or the nature of the Application, are in any wise different from what they were, when the United States in Congress entered into their Resolves of the 31st of July 1787, it would be improper to comply with the present request of the Memorialist and therefore submit to the consideration of Congress the following Resolve.

That the prayer of the Memorial of Donald Campbell of the 1st inst^t cannot be complied with.

All which is humbly submitted.

September 11th 1788.

SAMUEL OSGOOD
ARTHUR LEE

¹ *Journals*, vol. XXXIII, pp. 658-659.

On a report of the board of treasury to whom was referred a memorial of Donald Campbell

Resolved That the prayer of the memorial of Donald Campbell of the first instant cannot be complied with.

A motion¹ being made by Mr [Henry] Lee seconded by Mr ~~Cansevoort~~ [Nicholas] Gilman in the words following

Whereas longer delay in executing the previous arrangements necessary to put into operation the federal government may produce national injury *Resolved* that the first Wednesday in Jan^y next be the time for appointing electors in the several states which before the said day shall have ratified the said constitution and that the first Wednesday in feb^y next be the day for the electors to assemble in their respective states and vote for a president and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said constitution.

A motion was made by Mr [Edward] Carrington seconded by Mr [James] Madison to amend the proposition by striking out the words "and the present seat of Congress be the place" and by adding "And ²whereas it is of great importance, that a government founded on the principles of conciliation and impartial regard to the Interests and accommodation of the several parts of the Union should commence in a spirit corresponding with these principles and under every circumstance calculated to prevent Jealousies in one part of the Union, of undue biass in the public councils or measures towards another part, and it is conceived that these desirable purposes will be much favored by the appointment of some place for the meeting of the new Government more central than the present seat of Congress, and which will at the same time be more likely to obviate disagreeable and

¹ See July 8, September 4 and 13, 1788.

² Roger Alden takes up the entry.

injurious dissensions concerning the place most fit for the seat of federal business until a permanent seat be established as provided for by the new Constitution, *Resolved* that be the place for commencing proceedings under the new Constitution.

On the question to agree to this amendment the Yeas and Nays being required by M^r [Nicholas] Gilman,

<i>New Hampshire</i>		<i>Delaware</i>	
M ^r Gilman	no	M ^r Kearny	ay
M ^r Wingate	no	M ^r Mitchell	ay
<i>Massachusetts</i>		<i>Virginia</i>	
M ^r Dane	no	M ^r Griffin	ay
M ^r Thatcher	no	M ^r Madison	ay
<i>Connecticut</i>		M ^r Carrington	ay
M ^r Huntington	no	M ^r Lee	no
M ^r Wadsworth	no	<i>South Carolina</i>	
M ^r Edwards	ay	M ^r Huger	no
<i>New York</i>		M ^r Parker	no
M ^r Hamilton	no	M ^r Tucker	no
M ^r Gansevoort	no	<i>Georgia</i>	
<i>New Jersey</i>		M ^r Few	no
M ^r Clark	no	M ^r Baldwin	ay
M ^r Dayton	no		
<i>Pensylvania</i>			
M ^r Irvine	ay		
M ^r Meredith	ay		
M ^r Reid	ay		

So the question was lost.

[Motion of Mr. Kearny on organization of the government under the Constitution ¹]

Whereas from the great Diversity of Sentiment prevailing in Congress relative to the Place ~~where the Said Government of the~~ commencing of proceedings under the new Federal legislature should first convene for the transaction of the public Business. The organ-

¹ *Papers of the Continental Congress*, No. 23, p. 111, in the writing of Mr. Dyre Kearny.

isation of the said System of Governm^t as far as the Agency of Congress has been required thereto has met with undue procrastination by which high inconveniences must accrue to the union at large and much Dissatisfaction and Discontent derived to the Good People of the United States. And Whereas ~~from the continued~~ the same unhappy Cause of Delay still exists and there is but little apparent likelihood that such accommodation will result as to gain the assent of the United States in Cong Assembled to any Place for the meeting of the s^d Government, and whereas Nevertheless it is of the highest importance to the Welfare of the Union ~~and~~ that such steps be pursued by Congress as will tend as far as in their Power lies to promote the great End the measures recommended to their Attention by the late Federal Convention. Therefore Resolved That the first Wednesd etc.

and that the first wednesday in March next be the time for commencing Proceedings under the Said Constitution at Such Place as Congress shall hereafter appoint.

A motion was then made by M^r [Dyre] Kearny seconded by M^r [Nathaniel] Mitchell to strike out the words "~~and that the first wednesday of March next be the time, and the present seat of Congress the place for commencing proceedings under the new Constitution~~", and on the question shall those words stand, the yeas and nays being required by M^r [Nathaniel] Mitchell,

<i>New Hampshire</i>		<i>New Jersey</i>	
M ^r Gilman	ay	M ^r Clark	ay
M ^r Wingate	ay	M ^r Dayton	ay
<i>Massachusetts</i>		<i>Pensylvania</i>	
M ^r Dane	ay	M ^r Irvine	ay
M ^r Thatcher	ay	M ^r Meredith	ay
<i>Connecticut</i>		M ^r Armstrong	ay
M ^r Huntington	ay	M ^r Reid	no
M ^r Wadsworth	ay	<i>Delaware</i>	
M ^r Edwards	ay	M ^r Kearny	no
<i>New York</i>		M ^r Mitchell	no
M ^r Hamilton	ay		
M ^r Gansevoort	ay		

<i>Virginia</i>		<i>South Carolina</i>	
M ^r Griffin	ay	M ^r Huger	ay
M ^r Madison	ay	M ^r Parker	ay
M ^r Carrington	ay	M ^r Tucker	ay
M ^r Lee	ay	<i>Georgia</i>	
		M ^r Few	ay
		M ^r Baldwin	ay

So it was resolved in the affirmative.

The motion being then amended to read as follows, Whereas the convention Assembled in Philadelphia pursuant to the resolution of Congress of the 21st Feb^y 1787, did on the 17th of Sep^t in the same year, report to the United States in Congress Assembled a constitution for the people of the United States. Whereupon Congress on the 28th of the same September did resolve unanimously, "that the said report with the resolutions and letter accompanying the same, be transmitted to the several legislatures in order to be submitted to a convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made and provided in that case." And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated have been received by Congress, and are filed in the office of the Secretary, therefore *Resolved*, that the first wednesday in January next be the day for appointing Electors in the several States, which before the said day shall have ratified the said constitution; that the first wednesday in Feb^y next be the day for the Electors to assemble in their respective States, and vote for a President, and that the first wednesday in march next be the time, and the present seat of Congress the place for commencing proceedings under the said Constitution.

When the question was about to be put the determination thereof was postponed till tomorrow by the State of Delaware.

[Report of Secretary for Foreign Affairs on Mr. Barclay's letter ¹]

OFFICE FOR FOREIGN AFFAIRS

12th September 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Letter ² from M^r Barclay, containing Intelligence that the Emperor of Morocco had been pleased to order, "that american Vessels arriving in his Ports should pay no more Duties than five per cent on the value of the Goods imported, and that the said Regulation shall remain in force for three Years."

Reports.

That as this Intelligence is communicated to M^r Barclay by Joseph Chiappi the american Agent at Mogadore, there can be no Doubt of its being authentic, and although it may not be very important to the Commerce of this Country while at War with Algiers, Tunis and Tripoli, yet it should in his Opinion be made public by Authority in the following Manner, viz^t

Congress having been regularly informed that his Imperial Majesty, the Emperor of Morocco, had been pleased to ordain, "that american Vessels arriving in his Ports with Merchandize shall pay no more Duties than five per Cent on the Value of the Goods imported, and that the said Regulation" (which is dated at a Period corresponding to the 2^d March 1788) "shall remain in force for three Years."

Ordered that the same be published.

As the Favor was unsolicited and gratuitous, your Secretary thinks it would be proper as well as politic for Congress to express to the Emperor the Sense they entertain of it, in a Letter of the following Tenor, Viz^t

Great and magnanimous Friend

We the United States of America in Congress assembled have been informed by Means of M^r Joseph Chiappi at Mogadore, that your Imperial Majesty has been pleased to order, that our Vessels arriving in your Ports with Merchandize, shall pay no more Duties than five

¹ *Papers of the Continental Congress*, No. 81, III, pp. 87-90, read September 12, 1788.

² See May 30 and June 2, 1788.

per Cent on the value of the Goods imported, and that the said Regulation shall continue in force for three Years.

This distinguished Proof of your Majesty's Friendship, calls upon us to embrace the earliest Opportunity of presenting to you our Thanks and Acknowledgments. We regret that the Hostilities of Algiers, Tunis and Tripoli, will not at present permit our Merchants to avail themselves of your kind Intentions towards us, in the Extent which they might otherwise do. Be assured however that we shall remember your Kindness, and that the Friendship you have shewn us in this and former Instances, shall be recorded in our Annals and transmitted to our Posterity.

We pray God to preserve and bless your Imperial Majesty. Written by your good Friends and Allies the United States of America in Congress assembled at the City of New York the Day of 1788.

Your Secretary further reports that in his Opinion the foregoing Letter should be transmitted to M^r Chiappi, to whom it would be proper for him to write as follows, Viz^t

SIR: An Extract of your Letter, which informs M^r Barclay that his Imperial Majesty the Emperor of Morocco had been pleased to order, that the american Vessels arriving in his Ports should pay no more Duties than five per Cent etc.; has been communicated to Congress.

In obedience to their Orders I have the Honor of transmitting to you herewith enclosed, a Letter which they have written to his Majesty on the Occasion, and which you will be pleased to deliver. You will find a Copy of it enclosed for your Information.

I am directed, Sir, to assure you, that Congress are well pleased with your Care and Dispatch in communicating this Intelligence, and that your Attention to their Interests shall not fail to recommend you to Proofs of their Approbation.

I have the Honor to be etc.

If the Finances of the United States would admit of it, your Secretary would recommend that some pecuniary Compensation be made to M^r Chiappi for his Services as their Agent; and he also takes the liberty to hint that the present friendly Disposition of the Emperor, offers the United States an Opportunity of obtaining and using his Influence at Constantinople in negotiating and concluding such a Treaty with the Porte, as would probably ensure the effectual Interposition of that Court with Algiers, Tunis and Tripoli; especially

considering the pecuniary Aids which the Emperor has lately afforded to the Turk, who also would naturally be pleased to receive such an Overture at a Time, when a War with two of the most powerful Christian Nations tended to render his Respectability and Consideration more questionable and precarious in the Eyes of other Nations; and when the public Exigencies, enhanced by that War, might render an uninterrupted Trade with America in some degree convenient and desirable to him.

All which is submitted to the Wisdom of Congress,

JOHN JAY

[Letter from the Office of the Secretary at War respecting Southern Indians ¹]

WAR OFFICE *September 12th 1788.*

SIR: In the absence of the Secretary at War I have the honor to transmit to your Excellency, the copy of a letter received yesterday from Joseph Martin Esquire Agent for the Cherokee and Chickasaw Nations of Indians dated North Carolina Washington District August 23^d 1788, with three enclosures.

I have the Honor to be, etc.,

W^m KNOX.²

His Excellency

THE PRESIDENT OF CONGRESS.

³ SATURDAY, SEPTEMBER 13, 1788.

Congress assembled present New hampshire Massachusetts Connecticut New York New Jersey Pennsylvania Virginia North Carolina South Carolina and Georgia and from

¹ *Papers of the Continental Congress*, No. 150, III, p. 345, read September 12, 1788. The enclosures are copies of Col. Martin's letter, pp. 361-363 and its enclosures: a letter of the Justices of the Court of Abbeville County to the people of Nole-chucke, French Broad and Holstein, July 9, 1788, pp. 349-352, letter of Robert Anderson to Col. Tipton, July 12, 1788, p. 353 and Resolutions of the Council of officers of Washington district, August 19, 1788, p. 357.

² SEPTEMBER 12, 1788. According to indorsement was read:

Memorial of John Henry Ebert, a Canadian of Hazen's regiment, asking for pecuniary assistance. *Papers of the Continental Congress*, No. 41, III, p. 147. It is indorsed as filed September 13, 1788.

³ Charles Thomson resumes the entry.

Rhode island M^r [Peleg] Arnold and from Delaware M^r [Dyre] Kearny.

On the question to agree to the proposition ¹ which was yesterday postponed by the State of Delaware the yeas and nays being required by M^r [Nicholas] Gilman

<i>New Hampshire</i>		<i>Pennsylvania</i>	
M ^r Gilman	ay	M ^r Irvine	ay
M ^r Wingate	ay	M ^r Meredith	ay
		M ^r Armstrong	ay
<i>Massachusetts</i>		M ^r Reid	ay
M ^r Dane	ay	<i>Virginia</i>	
M ^r Thatcher	ay	M ^r Griffin	ay
<i>Connecticut</i>		M ^r Madison	ay
M ^r Huntington	ay	M ^r Carrington	ay
M ^r Wadsworth	ay	M ^r Lee	ay
<i>New York</i>		<i>South Carolina</i>	
M ^r Hamilton	ay	M ^r Parker	ay
M ^r Gansevoort	ay	M ^r Tucker	ay
<i>New Jersey</i>		<i>Georgia</i>	
M ^r Clarke	ay	M ^r Few	ay
M ^r Dayton	ay	M ^r Baldwin	ay

So it was resolved as follows

² Whereas the Convention assembled in Philadelphia pursuant to the resolution of Congress of the 21st of Feb^r 1787 did on the 17th of Sept of the same year report to the United States in Congress assembled a constitution for the people of the United States, whereupon Congress on the 28 of the same Sept did resolve unanimously "That the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of Delegates chosen in each state by

¹ Organization of the government under the Constitution. See July 2, 8, 9, 14, 28, 30, August 4-7, 13, 26, September 2-4, and 12, 1788.

² The following resolution on the organization of the government under the Constitution was entered by Benjamin Bankson in *Ratifications of the Constitution*, pp. 180-181. Broad sides of this resolution, signed by Charles Thomson, are in *Papers of the Continental Congress*, Broad sides.

the people thereof in conformity to the resolves of the convention made and provided in that case" And whereas the constitution so reported by the Convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the Office of the Secretary therefore *Resolved* That the first Wednesday in Jan^y next be the day for appointing Electors in the several states, which before the said day shall have ratified the said constitution; that the first Wednesday in feb^y next be the day for the electors to assemble in their respective states and vote for a president; and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said constitution.

Congress proceeded to the election of the third commissioner ¹ to form a board pursuant to the Ordinance of the 7 May 1787 and the ballots being taken M^r Abraham Baldwin was elected having been previously nominated by M^r [Pierpont] Edwards.

[Letter of Secretary for Foreign Affairs on funds for redemption of captives ²]

OFFICE FOR FOREIGN AFFAIRS

12th September 1788

SIR: On the 12th October last Congress was pleased, on a Report from the Board of Treasury, to resolve ³ that the Balance of the Appropriation for the Barbary Treaties of the 14th February 1785 not then applied to that Object, be constituted a Fund for *redeeming* the american Captives at Algiers, and that the same be *for that* Purpose subject to the Direction of the Minister of the United States at the Court of Versailles.

¹ See September 9, 1788.

² *Papers of the Continental Congress*, No. 80, III, pp. 577-579, read September 13, 1788.

³ *Journals*, vol. XXXIII, p. 664.

As neither this Act nor any other that I recollect provides for the *Subsistence* of these captives, whose Situation claims from their Country such Aids and Supplies as may be necessary to render their Condition as comfortable as the Pains and Rigours of Slavery may permit; I take the Liberty of submitting to Congress the Propriety of directing their Minister at Versailles out of the beforementioned Fund, to make such Provision for the Maintenance and comfortable Subsistence of the american Captives at Algiers, and to give such Orders touching the same, as shall to him appear right and proper.

M^r Jefferson indeed instructed M^r Lamb to supply as well as to redeem them; but M^r Lamb is now in this Country, and M^r Jefferson observes in his Letter that his giving such Instructions "must rest for *Justification* on the Emergency of the case", and that "it would be a Comfort to know that Congress does not disapprove of this Step". On this Letter I reported,¹ viz^t 11th May 1786, a Resolution importing such Approbation; but I am not informed that it was ever agreed to.

M^r Jefferson has found it necessary in order to facilitate their Redemption, to let it be reported and believed at Algiers that Congress would not redeem them. That Intelligence has greatly added to their Distress; but it would not be expedient that they should at present be undeceived. Little supplies may however be conveyed in so indirect a Manner as not to be traced either by them or by the Algerines, and would tend greatly to the Comfort of these unhappy People.

With great Respect, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

² On Motion ³ of M^r [James] Madison seconded by M^r [Edward] Carrington

¹ *Journals*, vol. XXX, pp. 259-262.

² From this point to the end of the day the proceedings were entered by Charles Thomson in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, p. 1705. They were also entered by John Fisher and attested by Charles Thomson in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, p. 429.

³ *Papers of the Continental Congress*, No. 25, II, p. 505 in the writing of Charles Thomson.

Resolved That out of the fund appropriated for the redemption of the American captives at Algiers or any other monies belonging to the United States in Europe, the Minister plenipotentiary of the United States at the Court of Versailles be and he is hereby authorised to make such provision for the maintenance and Comfortable subsistence of the American Captives at Algiers and to give such orders touching the same as shall to him appear right and proper.

That Congress approve the instructions heretofore given to M^r Lamb by M^r Jefferson their Minister at the Court of France for supplying the said Captives.

[Report of Secretary of Congress on petition of J. King ¹]

Sept. 12, 1788.

On the petition ² of Joseph King late paymaster and agent of the corps of artillery of Artificers stating his services and the inadequacy of the sum allowed him and praying for a further suitable allowance for his time and service.

Agreed

The Sec^y of Congress report That the petition of Joseph King be referred to the board of treasury to report.³

[Letter of Board of Treasury with a letter of G. Morgan ⁴]

BOARD OF TREASURY

September 11th 1788.

SIR: We have the honor of transmitting to your Excellency for the information of Congress a Copy of a Letter received this day from M^r

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 80.

² According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 39 the petition was received (read) September 12, 1788.

³ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 206, the petition was referred on September 13, 1788, as indicated in the report. No report was rendered, consequently the petition is not found among the *Papers of the Continental Congress*.

⁴ *Papers of the Continental Congress*, No. 140, II, p. 571, read September 13, 1788. A copy of Morgan's letter, also read, stating that the New Jersey Land Society, disgusted with the action of Congress, has dissolved the association, is on p. 567.

George Morgan, on the subject of the Tract of Land proposed to be purchased by himself and associates.

We have the honor to be, etc.

SAMUEL OSGOOD

ARTHUR LEE ¹

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, SEPTEMBER 15, 1788.

Congress assembled present Massachusetts Connecticut New York Pennsylvania, Virginia North Carolina, South Carolina and Georgia and from New Hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold from New Jersey M^r [Abraham] Clarke and from Delaware M^r [Dyre] Kearny.

On a report ² of the com^r for settling accounts in the commissary's department to whom was referred a memorial ³ of Jacob Cuyler late deputy com^y gen^l of purchases, praying to be relieved from a demand brought against him by David Reynolds for a number of Cattle said to have been delivered by the said Reynolds for the use of the army.

Resolved That no payment or allowance be made to M^r J Cuyler unless he produces vouchers for the purchase of the cattle.

¹ SEPTEMBER 13, 1788. According to indorsement was read:

Letter of S. Johnston, Governor of North Carolina, to the President of Congress, August 24, 1788, transmitting resolutions of the convention. *Papers of the Continental Congress*, No. 72, p. 325. The enclosures are (1) Resolution on the redemption of State paper, p. 333; (2) Resolution regarding laying of imposts, p. 329; and (3) a copy of the Act of December 22, 1787, respecting the treaty of peace, with an original certificate, pp. 253 and 255-256.

² *Papers of the Continental Congress*, No. 31, pp. 353-354, read October 3, 1786. Printed in *Journals*, vol. XXXI, pp. 736-737.

³ *Papers of the Continental Congress*, No. 41, II, pp. 354-356, read September 20, 1786.

[Motion of Mr. Carrington on superintendant of Indian affairs ¹]

Resolved that so much of the ordinance of the 1786 as restrains the superintendants of Indian affairs from being concerned in Trade with the Indians be, and is hereby repealed.

[Report of committee on the Mississippi question ²]

The Committee [consisting of Mr. Alexander Hamilton, Mr. James Madison, Mr. Hugh Williamson, Mr. Nathan Dane and Mr. Pierpont Edwards] to whom was committed the Report of the Secretary for Foreign affairs founded on a referred motion of the Delegates of N. Carolina, stating the uneasiness produced by a Report "that Congress are disposed to treat with Spain for the surrender of their claim to the navigation of the river Mississippi" and proposing a resolution intended to remove such apprehensions, submit the following Resolutions

That the Report mentioned in the said motion, being not founded in fact, the Delegates in Congress be authorised (any former injunctions of secrecy notwithstanding) to contradict the same and, to communicate all such circumstances as may be necessary to correct misconceptions on this subject.

That the United States have a clear and absolute right to the free navigation of the river Mississippi; and that the same ought in no manner whatsoever to be invalidated.

The Committee beg leave further to report

That no negociations for Treaties with foreign powers be prosecuted by virtue of any ~~powers~~ authority heretofore granted by Congress for that purpose, and that the ~~same~~ requisite provision for such cases be referred to the federal Gov^t about to be ~~established and~~ organised.

¹ *Papers of the Continental Congress*, No. 36, III, p. 425, in the writing of Mr. Edward Carrington.

² *Papers of the Continental Congress*, No. 25, II, p. 503, in the writing of Mr. Alexander Hamilton. Read September 15 and passed September 16, 1788. The three resolves of this report are crossed off in the original report. The first and third in the form they were passed are written on attached slips and the second is interlined on the report. See September 8, 1788.

[Letter from the office of Secretary at War on Indian affairs in Western territory ¹]

WAR OFFICE *September 15th 1788.*

SIR: In the absence of the Secretary at War I have the Honor to transmit to your Excellency a letter from the Governor of the Western Territory just received, dated Fort Harmar August 17th 1788. with seven enclosures.

I have the Honor to be, etc.,

W^m KNOX.²

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, SEPTEMBER 16, 1788.

Congress assembled present as yesterday.

On motion of M^r [Abraham] Baldwin seconded by M^r [Hugh] Williamson

Resolved ³ That it be and it is hereby recommended to the several states to pass proper laws for preventing the transportation of convicted malefactors from foreign countries into the United States.

¹ *Papers of the Continental Congress*, No. 150, III, p. 305, read September 15 1788. The copy of the letter of St. Clair to Knox is on pp. 309-313. Its seven enclosures are between pages 317 and 342.

² SEPTEMBER 15, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 206, the following committee was appointed:

Mr. Alexander Hamilton, Mr. William Irvine, Mr. Nathan Dane, Mr. Thomas Tudor Tucker and Mr. Jonathan Dayton on the report on Canadian papers of July 5, 1785 and the report of the Board of Treasury on the memorial of Hazen and Hay in behalf of the Canadians of May 22, 1786. As the committee did not report the papers mentioned do not appear among the *Papers of the Continental Congress*. The report dated May 20, 1786, of the Board of Treasury, rendered May 22, 1786, was entered in *Reports of the Board of Treasury A*, pp. 169-173.

³ *Papers of the Continental Congress*, No. 36, III, p. 432, in the writing of Mr. Abraham Clark. What was apparently the first form of the motion, is on p. 431, in the writing of Mr. Abraham Baldwin, as follows: "Resolved That it be recommended to the several states to pass laws prohibiting the importation of convicts from the territories of foreign nations into these United States".

¹ The Sec^y of the United States for the department of foreign affairs to whom was referred his letter ² of the 3^d instant with an Affidavit of Leonard White Outerbridge respecting the importation of Convicts from the Island of New Providence to Maryland etc. having reported ³

That the facts stated in this affidavit render it in his opinion highly probable that ⁴ the persons brought to, and landed at Baltimore, and other places by the Schooner William Henry, of which William Thompson was Captain, were convicts, and that Lord Dunmore the Governor of New Providence was instrumental in their being transported to those places.

That it does not become the Court of Great Britain to countenance, nor the United States to tolerate so nefarious a practice; and although there is no reason to presume that the transportation in question was made by the orders or desire of the british government, yet he thinks it would be proper that he should be permitted to send a copy of the said affidavit, enclosed in a letter of the following tenor, to his britannic Majesty's Secretary for foreign Affairs.

MY LORD,

It will sometimes happen that Individuals without being authorised by the orders, or encouraged by the connivance of Government, do things that are not only

¹ From this point to the end of the day the entries were made by Charles Thomson and Roger Alden in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1706-1712. Charles Thomson begins the entry. The proceedings on the importation of convicts and those on the Mississippi question based on the committee report were also entered by John Fisher and attested by Charles Thomson in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 429-432.

² See September 3, 1788.

³ *Papers of the Continental Congress*, No. 81, III, pp. 91-92, read September 16, 1788.

⁴ Roger Alden takes up the entry.

disreputable to their own Nation, but also offensive to others.

The facts stated in an affidavit of which I have the honor to enclose You a copy, afford reason to presume that the truth of this observation has been confirmed by a recent Instance.

To insist on the impropriety of the practice which that Affidavit will explain, would seem to imply doubts of it's being considered in that point of light; I forbear therefore to enlarge on that topic, nor can it be necessary to hint that the same principles of honor and delicacy should obtain between Nations, as between private Gentlemen.

I am directed, My Lord, just to make known this business to You. Congress being well persuaded that his Majesty will, on receiving the information, give such orders on the occasion, as the nature of the case may require.

I ought not to omit mentioning to Your Lordship, that Sir John Temple's conduct relative to this case, has been such as receives the approbation of Congress; for instead of endeavouring to retard, he promoted the Investigation.

¹ *Ordered* ² That this report be referred to the Sec^y for foreign affairs to take Order.

The Secretary of the United States for the department of foreign affairs to whom was referred a motion ³ of the hon^{ble} the delegates of North Carolina in the words following viz "Whereas many citizens of the United States who possess lands on the western waters, have expressed much uneasiness from a report *that Congress*

¹ Charles Thomson resumes the entry.

² This order was entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 207.

³ See July 15, 1788,

are disposed to treat with Spain for the surrender of their claim to the navigation of the river Mississippi, in order therefore to quiet the minds of our fellow citizens by removing such ill founded apprehensions resolved that the United States have a clear absolute and unalienable claim to the free navigation of the river Mississippi which claim is not only supported by the express stipulations of treaties but by the great law of nature" having on the 2^d of the present Month reported,¹

That ² the report mentioned in the said motion is not warranted by any part of the negociations between the United States and Spain, and therefore that in his opinion it would be expedient so far to rescind the orders of secrecy relative to those negociations, as that the Delegates of North Carolina and others be at liberty to contradict the said report in the most explicit and positive terms.

That as divers events which ought to have an influence on those negociations, have taken place since the commencement of them, and particularly the Institu- [tion ³] of a new form of national Government for the United States which is speedily to be established, it would be prudent to suspend all further progress therein, and refer the same with all the papers and documents respecting it to the new Government. Wherefore he thinks it should be, resolved, that the report mentioned to Congress by the Delegates of North Carolina, as prevailing and causing uneasiness in the western country, viz^t *that Congress are disposed to treat with Spain for the surrender of their claim to the navigation of the river Mississippi* is not founded in fact, and that the Delegates

¹ See September 3, 1788. See also September 4 and 8, 1788.

² Roger Alden again takes up the entry.

³ Four letters omitted in *Journal* supplied from the original report.

in Congress be authorized (their former Injunctions of secrecy notwithstanding) to contradict the same in the most explicit and unequivocal terms. *Resolved* that no further progress be made in the said negotiations by the Secretary for foreign Affairs; but that the same in the state they now are, be referred to the federal Government about to be established and organized.

Your Secretary further reports that if the foregoing resolutions should be deemed expedient, he much doubts the propriety of adopting the one contained in the motion under consideration.

1st Because although it does impliedly, yet it does not expressly deny the truth of the report, which has created the apprehensions intended to be removed.

2^d Because if the report be destroyed, by being positively contradicted, the uneasinesses flowing from it must cease; which is all that appears to him necessary to be done at present, provided Congress should think it proper to suspend the progress of the negotiation, and refer it to the new Government.

As to declaring and resolving that the United States have a clear, absolute and unalienable right to the Navigation of the river, he thinks no objections can be derived from the nature of their right to declaring it to be clear and absolute. Authentic documents now among the papers of Congress shew that he has uniformly been of opinion, that the United States possess a perfect right to that navigation, and ought never to cede it. Whether it would be wise in the United States to consent in consideration of equivalent Advantages, to any and what modifications of the Use of that right, is a question on which his opinion communicated to Congress in writing is well known. The modifications then contemplated appeared to him at that time adviseable; but

he confesses that circumstances and discontents have since interposed to render it more questionable than it then appeared to be. How far the resolution proposed by North Carolina, which declares the right to be unalienable, as well as absolute, would tend to exclude all modifications, however temporary and adapted to present circumstances and convenience merits consideration; nor is it clear to him that such exclusion would be a measure, which however supported by right, would also be warranted by good policy. Whether that right be unalienable or not, does not depend on the nature of the title, but on the extent of the powers constitutionally vested in Government. How far the present or ensuing Government may be restrained or authorised in these respects, is a question of too great magnitude to be decided without deliberate and mature Investigation. He knows the prejudices and opinions prevailing in the western country respecting whatever may concern that navigation; and he knows also that groundless, though not unnatural Jealousies are also entertained of him respecting it; but as personal considerations ought not to influence his public conduct, he thinks it his duty to report in plain terms, that any resolution calculated to exclude the possibility of such modifications, as without impairing the right, might be advantageous to the United States, and satisfactory to the citizens, would not in his opinion be wise. Whether such modifications could be formed he will not attempt to conjecture. Certain it is that the probability of it will become greater and increase, as the population of those countries advances, and as the respectability of the United States rises in the estimation of Spain and other foreign Nations.

He therefore thinks it best to let these negotiations pass over in their present state to the new Government,

who will undoubtedly be tenacious of the public rights, and may be enabled by *circumstances not yet developed*, to terminate these negotiations with Spain in a manner perfectly consistent with the right in question, and with the Interests and wishes of their constituents."

¹ The same was referred to a committee ² and

On the report ³ of the com^{ee} consisting of M^r [Alexander] Hamilton M^r [James] Madison M^r [Hugh] Williamson M^r [Nathan] Dane and M^r [Pierpont] Edwards to whom was referred the report of the Sec^y for foreign affairs on a motion of the delegates of North Carolina, stating that uneasiness produced by a report "*That Congress are disposed to treat with Spain for the surrender of their claim to the Navigation of the river Mississippi*" and proposing a resolution intended to remove such apprehensions.

Resolved That, the said report not being founded in fact, the delegates be at liberty to communicate all such circumstances as may be necessary to contradict the same and to remove misconceptions.

Resolved That the free navigation of the river Mississippi is a clear and essential right of the United States and that the same ought to be considered and supported as such.

Resolved ⁴ That no further progress be made in the negotiations with Spain by the Secretary for foreign affairs, but that the subject to which they relate be

¹ Charles Thomson again resumes the entry.

² See September 8, 1788.

³ See September 15, 1788.

⁴ In the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, p. 432, this resolve is marked on the margin with dots and Thomson places below his signature the following note: "N. B. The two first may be given to the delegates of any state applying for the same, but the latter is considered as a private instruction."

referred to the federal government which is to assemble in March next.

[Report of committee on copper contract of Jarvis ¹]

The Committee consisting of M^r [Abraham] Clark M^r [Hugh] Williamson M^r [Abraham] Baldwin M^r [Jeremiah] Wadsworth and M^r [Alexander] Hamilton to whom was referred a motion of M^r [Abraham] Clark respecting the contract made by the board of Treasury with James Jarvis for coining three hundred tons of copper; together with a Letter from the board of Treasury enclosing one from said Jarvis, report that the said contract was made on the 12th day of May 1787, Stipulating that said Jarvis should deliver at New York of the said copper when coined as follows,

Twenty five tons on or before the first day of December 1787.

Twenty five tons on or before the fifteenth day of March 1788.

Fifty tons on or before the last day of August 1788.

One hundred tons on or before the last day of August 1789.

And One hundred tons on or before the Eleventh day of May 1790.

Providing in said Contract, that if from the loss of any Vessel in which the copper necessary for the execution of said contract shall be laden, or by the capture of the same the delivery of any quantity of the copper coin contracted for should not be made at the Stipulated periods, the quantity so lost or captured should be receivable within nine months after the Original periods of delivery.

That notwithstanding the above Stipulations, the said Jarvis hath hitherto neglected to deliver any part of said coin altho' one hundred tons ought to have been delivered by the latter end of August last; that this failure does not appear nor is it alledged by said Jarvis to have been Occasioned by the loss of any Vessel in which copper for the above purpose was laden; for which reasons your Committee are of Opinion that the above Contract is of such a Nature that the failures already made by said Jarvis renders the whole voidable by no longer obligatory upon the United States, and that it is their duty to avail themselves thereof; and thereupon the following resolution is submitted.

¹ *Papers of the Continental Congress*, No. 26, pp. 697-698, in the writing of Mr. Abraham Clark. Read September 16, 1788. See July 16, August 4, 20 and 27, 1788. The report also bears the following indorsement, "Jan. 15. [1789] the original contract transmitted to the Board of Treasury, copy to be returned."

That the board of Treasury be instructed to consider the contract by them made with James Jarvis for coining three hundred tons of copper, from the failure of the said Jarvis in fulfilling the same with respect to the three first deliveries, to be no longer Obligatory upon the United States, and thereupon forbear to carry the same, or the Act ¹ of Congress of the 21st of April 1787 on which the said contract was founded, into further effect untill otherwise directed by Congress.

[Report of committee on memorial of Catherine ²]

The Committee consisting of [Mr. William Irvine, Mr. Edward Carrington and Mr. James R. Reid] to whom was referred a Report ³ of a Committee on the memorial ⁴ of Catherine alias Granadier a Shawane Woman, beg leave to report, that notwithstanding she has not produced vouchers or proof for the delivery of provision to the Troops of the United States which she alledges, yet there is reason to believe that She contributed a quantity of Cattle for the support of the Garrisons on the Ohio, that her long attachment to the Whites has created great enmity to her among her relations, that she is now old and indigent, and in the opinion of your Committee has a just claim on the humanity of the people of the United States they therefore submit the following Resolution:

That Catherine, alias the Granadier or Shawane Woman be allowed, one suit, or dress of Cloaths including a Blanket, per annum, and one ration of provision each day during her life, which she may receive at any post in the western territory she shall chuse, at which a Commissioned officer Commands, that the Commandant of the Troops in that Country be directed to take care to have this resolution duly executed.

¹ *Journals*, vol. XXXII, p. 225.

² *Papers of the Continental Congress*, No. 30, pp. 371 and 373, in the writing of Mr. William Irvine. Read September 16, 1788. See August 25, 1788.

³ June 29, 1785. *Journals*, vol. XXVIII, pp. 487-488.

⁴ According to an indorsement and the *Despatch Book*, *Papers of the Continental Congress*, No. 185, III, p. 129, this claim was transmitted to Congress in a letter of G. R. Clarke and R. Butler dated June 2 and received June 22, 1785.

[Report of Board of Treasury on petition of Duncan Campbell]

The Board of Treasury to whom was referred the Petition of Duncan Campbell.

Beg leave to Report to Congress

That in pursuance of the Resolve ² of Congress of the 14th September 1786; the Commissioner of Army Accounts was directed to issue his Certificate to the Memorialist for Two hundred and forty seven Dollars; being a Balance claimed by him on Account of advances said to have been made in Canada for the Recruiting Service etc.

That this Claim was so destitute of Official documents, and attended with such other circumstances, that the late Commissioner of Army Accounts, could not consistently with the established rules of his Office, have issued the above Certificate, without the express authority of Congress.

That the assertion made by the Memorialist, that his case is peculiarly hard in being obliged to receive a Certificate, for the advances said to have been made by him in Canada; whilst most of the other Canadian Refugees have been fully paid in Specie, is by no means supported.

On the 8th day of May 1776, It was Resolved ³ by Congress "That the Balance due to Col^o James Livingston for advances made by him, whilst in that Country for the public Service, and for his arrearages of Pay, should be settled by certificates issued for the respective amounts by the Comptroller of the Treasury, and the Commissioner of Army Accounts; and this, notwithstanding the eminent Services of that Officer are recognized by a special Act ⁴ of Congress of 5th March 1785. Many other proofs might be adduced to show that the case of Mr Campbell is by no means peculiar; but rather, that a peculiarity would be established by a compliance with his demand. On the whole the Board are of opinion; that to deviate from the general practice of settling the arrearages due to the Officers of the late Army whether for pay, or advances claimed by them, would open a source of Ex-

¹ *Papers of the Continental Congress*, No. 138, I. pp. 187-190, read September 16, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 619. See September 9, 1788. See also report of Commissioner of Army Accounts read September 12, 1785. *Journals*, vol. XXIX, p. 691n.

² The date of this resolve is September 19, 1786. See *Journals*, vol. XXXI, p. 668.

³ The date of this resolve is May 8, 1786. See *Journals*, vol. XXX, p. 238.

⁴ The date of this Act is March 8, 1785. See *Journals*, vol. XXVIII, p. 130.

penditure, which no Funds at the command of the United States would be adequate to supply. They therefore Submit to the consideration of Congress the following Resolve.

That the application of Duncan Campbell for payment in Specie, of the Certificate ordered to be issued to him by the Commissioner of Army Accounts, by the Resolve of Congress of the 19th of September 1786, cannot be complied with.

All which is humbly Submitted.

SAMUEL OSGOOD

ARTHUR LEE¹

September 15th 1788.

WEDNESDAY, SEPTEMBER 17, 1788.

Congress assembled present as before.²

THURSDAY, SEPTEMBER 18, 1788.

~~Congress assembled~~ Six states only attending namely Massachusetts Connecticut New York Virginia North-Carolina and Georgia and from New hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold from Pensylvania M^r [James R.] Reid from Delaware M^r [Dyre] Kearny and from South Carolina M^r [John] Parker, the President adjourned Congress to ten oClock to morrow.

¹ SEPTEMBER 16, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 207, the following were read and referred:

Petition of Ezekiel Williams, August 14, 1788, for the repayment of money spent on care of prisoners. *Papers of the Continental Congress*, No. 42, VIII, pp. 447-452. Referred to the Board of Treasury to report. Report rendered October 1, 1788.

Petition of Joseph King, in behalf of Absolam Baird, September 16, 1788, requesting half pay and commutation, *Papers of the Continental Congress*, No. 42, I, p. 439. Referred to the Commissioner of army accounts to report. Report rendered September 25, 1788.

² SEPTEMBER 17, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 207, the following committee was appointed:

Mr. Abraham Clark, Mr. Hugh Williamson and Mr. James Madison, on the memorial of B. Tardiveau, agent of the inhabitants of St. Vincents and Illinois, September 17, 1788, requesting modifications in resolutions of Congress. Report rendered September [25] 1788. Cf. February 25, 1788.

FRIDAY, SEPTEMBER 19, 1788.

Six states only attended. Namely Massachusetts Connecticut New York Virginia, North Carolina and South Carolina and from New hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold from Pensylvania M^r [James R.] Reid and from Delaware M^r [Dyre] Kearny.

MONDAY, SEPTEMBER 22, 1788.

The same as on friday.

TUESDAY, SEPTEMBER 23, 1788.¹

Five states attended namely Massachusetts, Connecticut New York Virginia and North Carolina and from New hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold from New Jersey M^r [Jonathan] Dayton from Pensylvania M^r [James R.] Reid from Delaware M^r [Dyre] Kearny and from South Carolina M^r [John] Parker.

WEDNESDAY, SEPTEMBER 24, 1788.

Six states attended namely Massachusetts Connecticut New Jersey, Virginia North Carolina and South Carolina and from New hampshire M^r [Nicholas] Gilman from New York M^r [Abraham] Yates from Pensylvania M^r [James R.] Reid and from Delaware M^r [Dyre] Kearny.

THURSDAY, SEPTEMBER 25, 1788.

Congress assembled present Massachusetts Connecticut New York New Jersey Virginia North Carolina and South Carolina and from New hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold from Pensylvania M^r [James R.] Reid and from Delaware M^r [Dyre] Kearny.

¹ There are various documents indorsed as read September 23, 1788, a day on which there was no quorum. Most of these same documents are entered in the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 40, as received (read) on September 25, 1788, hence they appear under this latter date.

[Report of committee on land bounties for officers¹]

The Committee consisting of M^r [Abraham] Clark M^r [Edward] Carrington and M^r [Nathan] Dane to whom were referred a report of the Secretary at War, report,

That Congress by their Acts ² of the 16th and 18th of Septem^r 1776, granted bounties of Land to the Officers and Soldiers who had engaged or should engage in the Service, and continue therein to the end of the War, or untill discharged by Congress and to the representatives of such Officers and Soldiers as should be slain by the Enemy. That upon a New Establishment of the Army in 1778, many of the officers at that time in Service were left out as Supernumerary, in Consideration whereof it was on the 24th of Novem^r in said year, *Resolved*, That Congress gratefully Acknowledge the faithful services of such Officers, and that all Supernumerary Officers be entitled to one years pay of their commissions respectively, to be computed from the time such Officers had leave of Absence from the Commander in Chief on this account. That whatever might have been the intention of Congress, your Committee cannot find it any where declared or intimated that the allowance of one years pay should be considered as a full compensation for their services, or intended in any wise to exclude them from their bounties of Land; whereupon the following resolution is Submitted,

That the Secretary at War be, and he is hereby instructed to consider all those officers who became Supernumerary by the Arrangement of the Army in the years 1778 and 1779, As entitled to the bounties of Land granted by Congress in Septem^r 1776, and to issue Warrants accordingly.

[Report of committee on memorial of B. Tardiveau ³]

The Com^s consisting of M^r [Abraham] Clark M^r [Hugh] Williamson and M^r [James] Madison to whom were referred the memorial of M^r Tardiveau Agent of the French and American Inhabitants of the

¹ *Papers of the Continental Congress*, No. 27, p. 363, in the writing of Mr. Abraham Clark. Indorsed as read September 23, which is apparently an error. See March 12, July 17 and August 28, 1788.

² *Journals*, vol. V, pp. 763 and 781, respectively.

³ *Papers of the Continental Congress*, No. 19, VI, pp. 9-10 in the writing of Mr. Abraham Clark. Read September 1788. As there is no indication of the day of the reading, this report is printed on the first day on which business was transacted after the appointment of the committee. See September 17, 1788.

Illinois and Post S^t Vincents, report, that in and by the Ordinance¹ for the Government of the Western territory passed the 13th day of July 1787, it is ordained that, "there shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of Crimes whereof the party shall have been duly convicted. And Whereas since the passing of said Ordinance it appears there were at that time Negroes under Servitude to the inhabitants then residing at Kaskaskies Illinois Post S^t Vincents and other of the Antient French Settlements whose Right to the property they possessed were guaranteed by Congress in their Act² Accepting the Cession³ of Claim to Western territory made by the State of Virginia; which Right of property it was not the intention of Congress to violate by said Ordinance but merely to restrain the Settlers in future from carrying persons under Servitude into the Western territory, for remedy whereof,

Resolved, That the before mentioned Ordinance for the government of the Western territory, shall not be construed to deprive the Inhabitants of Kaskaskies Illinois Post S^t Vincents and the other Villages formerly settled by the French and Canadians, of their Right and property in Negro or other Slaves which they were possessed of at the time of passing the said Ordinance, or in any manner to Manumit or Set free any such negroes or other persons under Servitude within any part of s^d Western territory; any thing in the said Ordinance to the contrary notwithstanding.

And Whereas Congress by their Acts of the 20th of June and 29th of August last, took measures for confirming in their possessions and Titles all the French and Canadian Inhabitants and others, Settlers at or near the Rivers Mississippi Illinois and Wabash, who on or before the year 1783, had professed themselves Citizens of the United States or any of them, and for laying off the several tracts which they rightfully claim within certain limits. And also in and by said Acts directed the laying of certain tracts of Land of such extent as to contain four hundred acres as ~~bounties~~ donations to each of the heads of families in the districts therein mentioned to be divided among them by lot, but omitted making any grants of land for Supporting

¹ *Journals*, vol. XXXIII, p. 343.

² *Journals*, vol. XXVI, p. 116.

³ Original cession, engrossed on parchment, is in *Papers of the Continental Congress, Cessions of Western Lands*.

Religion and for Schools of education as had been done in the Sales of Land in the western territory; for Supplying which Omission,

Resolved that before any of the Tracts of Land directed by the above mentioned Acts as donations to the heads of families, shall be laid of, there shall be laid out two Tracts of Land of Acres each Adjoining to each Village not the property of any of the Inhabitants of such Village; one of which said tracts adjoining each Village shall be and remain forever to the sole and only use of Supporting the ministry of the Gospel Religion in such Village, and the other of said tracts to remain in like manner for supporting Schools of education in the Village it adjoins, any thing in the Acts of Congress of the 20th of June or 29th of August last, to the contrary notwithstanding.

[Report of Board of Treasury on accounts of M. Beaumarchais ¹]

The Board of Treasury to whom it was referred to Report on the Accounts and Claims of Caron De Beaumarchais, have carefully examined such Documents as they are in possession of, and beg leave to submit to Congress the following facts and observations Viz^t

That the accounts of M^r Beaumarchais, as certified by M^r Silas Deane on the 6th day of April 1781, amount to 5.106.599:11:6 Livres Tourⁿ

That the balance claimed by M^r Beaumarchais, as due on this Account on the 1st July 1783, is 3.309.491:0:4 Livres Tournois, with an Interest of 6 per Cent per Annum, amounting at this time to nearly 1.000.000 of Livres; so that the whole of his claim is about 900.000 Dollars.

That the amount debited against the United States has no other Voucher to support it, than a copy of a Certificate, said to have been signed by Silas Deane, dated Paris the 6th day of April 1781.

¹ *Papers of the Continental Congress*, No. 138, I, pp. 87-105. This report is indorsed as read September 23, but is entered in the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 40 as received (read) September 25, 1788. The covering letter of the Board which is indorsed as read September 25, 1788, is in *Papers of the Continental Congress*, No. 140, I, p. 623. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 207, the report was referred to a committee consisting of Mr. Edward Carrington, Mr. Hugh Williamson and Mr. Abraham Clark, which reported September 30, 1788. The subject was acted on October 1, 1788. The report bears the following indorsement: "N. B. All reports on this subject under names of Chevallie, L'Vaigneur etc. are filed with reports under the name of Beaumarchais. The accounts with Mr. Deane's in Iron chest." See June 20, 1788.

That M^r Beaumarchais' claim against the United States, arises from Eight Cargoes said to have been shipp'd to America in consequence of a verbal agreement made with M^r Silas Deane, and from Commissions, Freight and Insurance.

That four of the above Cargoes came to the use of the United States through the hands of John Langdon Esq^r at Portsmouth. That two of the Cargoes arrived at Martinico, and were received in whole, or part by M^r William Bingham. And that two other Cargoes arrived at Cape Francois, and are said to have been delivered to M^r Carabasse, Agent of M^r Beaumarchais, for the use of the United States.

That no evidence is produced to show that these two last Cargoes amounting to, Livres 1.303.922:11:9 ever came to the use of the United States; but on the contrary, when a Frigate in the year 1780, was sent on purpose to bring them, the Agent at the Cape, by his Original Letter in this Office, refused to deliver them, alledging, that he had dispatched part of the Cargoes to the Continent; but that though he had large quantities on hand, he could not make any further Shipments without the express Orders of his Principal.

That M^r Silas Deane informed Doctor Franklin and M^r Lee his Colleagues in the Commission to the Court of France, that the Accounts of M^r Beaumarchais contained private as well as public transactions.

That Doctor Franklin, M^r Lee and M^r Adams in their Letter to the Count de Vergennes, state that they had always understood, and that Congress had been informed, that the supplies sent out from M^r Beaumarchais, were only made through him, as a private Agent of the Court, and that, In confirmation of this, we find, that the United States are charged with a Million of Livres said to have been advanced for the service of the United States on the 10th of June 1776; before M^r Deane the first Agent could have arrived at Paris.

That the Commissioners at the Court of Versailles, in consequence of the Act ¹ of Congress of the 13th April 1778, and of a Contract made by the Commercial Committee by order of Congress, with the Agent of M^r De Beaumarchais, were instructed by the Commercial Committee to adjust and settle those Accounts, and that M^r Beaumarchais did refuse to account with them.

The Board beg leave farther to observe, that M^r Silas Deane with whom these Shipments are said to have commenced, was one of five

¹ Journals, vol. X, p. 342.

Contractors, who undertook on the 10th February 1776 to import sundry Articles for the Indians, to the Amount of £ 40.000 sterling, on Account of which Contracts they received out of the Treasury, shortly after £ 45.000 Sterling Dollars at 4/6. M^r Deane also received a Commission and Instructions from the Committee of secret Correspondence on the 2^d of March 1776. These Instructions directed him to appear as a Merchant from Bermuda for some time, and to procure Clothing for 25.000 Men. Thus Commissioned and Instructed he left America in April 1776, arrived on the 24th at Bermuda; left that place on the 4th May, and arrived at Bourdeaux on the 6th June following, at which place he appears to have staid some days previous to his Journey to Paris; so that the advance said to have been made by the Court of France for the Service of the United States on the 10th of that month could not (as we have before observed) have been made to that Gentleman.

With the Papers of this Committee are to found several of M^r Deanes most important Papers and Letters relative to Business, though it is evident by his references that many of his Letters are missing. He refers to letters giving an account of his arrival at Bourdeaux, and his transactions there, and also to a letter giving an account of his first conference with the Count De Vergennes, none of which are to be found. In one of his Letters addressed (as we may judge from its Contents) to the Contractors for Indian Goods, he states "that M^r Beaumarchais furnished the Supplies ostensibly, but that they really came from a higher Source; and also, that he had procured the Indian Goods from the same quarter.

We cannot ascertain by what authority M^r Deane undertook in 1781, to adjust and settle M^r Beaumarchais accounts. If Congress should be of opinion that he had no authority (which we doubt not will be the case, as there was then in Europe a Gentleman appointed by Congress for this purpose) before any decided Opinion can be given as to the Amount due from, or to, M^r Beaumarchais, it will be necessary to be possessed of his Original, Accounts and vouchers. This Conduct of M^r Deane appears extraordinary, as in his letter above referred to; he mentions the goods shipp'd by M^r Beaumarchais, as coming from a higher source than that of a private person; and on the 7th Oct^r 1777, put his Signature to a joint letter of the Commissioners in which they inform Congress that the Court of France had given them assurances that no repayment shall be required

of what had been already given either in Money or *Military Stores*. The Original of this letter was stolen out of the dispatches entrusted to Cap^t Folger; a duplicate of it is however, still in the Office for foreign affairs.

The following Statement will give a general View of M^r Beaumarchais Debits and Credits exclusive of the Cargoes sent to Cape Francois, amounting to 1.303.922:12:9 Livres Tournois; the whole of which, for want of Proof of Delivery, we deduct from his Accounts.

The Amphitrite's Cargo including Freight, Commission and Insurance, received by John Langdon Esq^r is charged at..... 979. 493:17: 0

From which deduct

Charges on the same.....	22. 482.
Insurance on 1.610.687:17 at 25	
per Cent.....	152. 671:14:3
Commission at 10 per Cent.....	89. 044:17:

264. 198:11: 3

715. 295: 5:9

The Mercure's Cargo, including d^e rec^d by J. Langdon Esq^r..... 878. 753:13:

From which deduct

Amount of Charges.....	21. 959:4:
Insurance on 1. 584 889:4 at 25	
per Cent.....	146. 222:6:
Commission at 10 per Ct.....	79. 887:3:

248. 068:13:

630. 685: 0:0

The Flammands Cargo, including d^e received by the same..... 621. 266: 6: 6

Deduct Am^t of Charges..... 18. 915:18:

" Insurance on 1.429. 678:18

at 33½ per Ct..... 143. 226: 6.

" Commissions at 10 per Ct..... 57. 290:10

219. 432:14:

401. 833:12:6

The Mere Bobies Cargo including d ^o rec ^d by the same.....	89. 460: 1:
Deduct Am ^t of Charges.....	2. 806:17:6
“ Insurance on l. 65. 061:17:9	
at 25 per Ct.....	16. 265: 9:3
“ Commissions at 10 per Ct.....	8. 132:14:
	27. 205: 0: 9

62. 255: 0:3

The Seine's Cargo, including d ^o received by William Bingham Esq ^r	784. 631: 2:10
Deduct Am ^t of Charges.....	11. 236: 1:
“ Insurance on l. 466.927:12	
at 25 per Ct.....	116. 731:18:
“ Commission at 10 per Ct.....	71. 330: 2:
“ Cost of the Ship.....	59. 641:10:10
	258. 939:11:10

525. 691:11:0

The Mary Catherine's Cargo, including d ^o re- ceived by the same.....	174. 315:16: 3
Deduct, Am ^t of Charges.....	17. 749:16:
“ Insurance on l. 134.625:8:3	
at 5 per Ct.....	6. 731: 5:
	39. 591:14:

134. 724: 2:3

Total Livres.....2. 470. 484:11:9

We therefore place the value of the six Cargoes at Two Millions four hundred and seventy thousand four hundred and eighty four Livres, eleven sous, and nine deniers.

The deduction of the six Cargoes abovementioned are made on the following principles:

Of the Commission,

1st Because it far exceeds every customary Charge on the Shipment of Goods to Foreign Countries; and there is no document offered in proof of any agreement on the part of the United States to authorise such extra allowance, and

2^d Because from the extra price at which some Articles are charged at beyond their real worth (especially in the article of Gun Powder)

we presume that the difference would (on a fair investigation of the Account) greatly exceed not only all reasonable Charges, but a liberal Commission for executing this Business.

Of the Insurance,

1^o Because the parties acknowledge, none was made; or direction given for such purpose, and etc. 2^o Because it does not appear whether the Merchandize was shipped at the risque of M^r Beaumarchais, or at that of the United States; the latter of which from present appearances appear most probable.

We have deducted the cost of the Ship Seine no reason appearing why the U. States should be charged with her loss; and a liberal allowance having been made for her freight.

We debit M^r Beaumarchais as follows:

1778					
Apr ^l	20 th	To	20.000 D ^{rs} p ^d Mons ^r de	18.876 Specie	
			Francey at 45:58.1	Dollars, which	
				at 5.5' p ^r Doll.	
May	16 th	To	24.000 D ^{rs} p ^d Ditto at 40:55.2	are-----	99. 102. 0. 0
1779					
June	5 th	To	Bills on Doctor Franklin-----		2400. 000. 0. 0
1777					
Octr	1	To	Nett Amount of Mercure's Cargo-----		19. 309. 1. 9
1778					
Febr	27	To	Nett Am ^t Amphitrites D ^{rs} -----		136. 797. 18. 6
Decr	31	To	Thereses Ditto-----		127. 964. 1. 6
1779					
June	26	To	sier Roderiques' D ^{rs} -----		108. 222. 2. 0
1781					
July	20	To	Perou's Ditto-----		52. 519. 13. 6
		To	Deux Helenes Ditto-----		76. 607. 12. 0
		To	Bon homme Richards Ditto-----		8. 371. 11. 0
		To	Nett Am ^t of Pollys Cargo-----		58. 514. 13. 0
		To	sier Rodriques----- D ^{rs} -----		69. 814. 7. 6
		To	Amelias Ditto-----		55. 675. 7. 5
			Livres-----		3. 212. 898. 8. 2
			From which deduct M ^r Beaumarchais Debits as stated above--		2. 470. 484. 11. 9
			Balance due the United States-----Livres--		742. 413. 16. 5
			Exclusive of one Million Livres (which if received by M ^r Beaumarchais from the Court of France) must be added thereto-----		1. 000. 000. 16. 5
			Principal-----		1.1.742. 414. 12. 10

If it should hereafter be ascertained that the Goods shipped on Account of the Indian Contract are included in M^r Beaumarchais' Accounts against the United States; and that he has received from the Contractors, who were bound to pay for them any remittances on that Account; the amount of such payment must of course be added to the above debt.

M^r Beaumarchais received sundry Cargoes of Tobacco, and generally credited the United States for only one half, taking one half for freight. As it appears that the Commercial Committee were of Opinion the one third was a sufficient allowance for freight, the difference between, one half, and one third is charged to M^r Beaumarchais in the above statement.

As to the Debits against M^r Beaumarchais, we are obliged to take them principally from his own accounts, so far as specific Articles were received by him. Congress on the 15th Jan^y 1779, ordered ¹ three thousand Hogsheads of Tobacco to be purchased and delivered to his Agent, And on the 5th June 1779, they gave an unlimited Order ² to deliver the said Agent all the Public Tobacco. The Accounts of the Agents who purchased Tobacco never having been regularly settled, we cannot at present ascertain from any Documents in this Office, how much he is properly chargeable with.

Having stated generally the Facts which are within the knowledge of the Board relative to these accounts, we presume that the United States in Congress will find it necessary to decide, first, Whether the adjustment of them said to have been made by M^r Silas Deane in April 1781, is binding on the United States, and, secondly, if it cannot be so deemed, Whether it is not necessary previous to a final Adjustment thereof, that M^r Beaumarchais should produce to the Treasury of the United States his Original Accounts and Vouchers.

Should Congress concur in this opinion we submit to their consideration the following Resolves, viz^t

¹ *Journals*, vol. XIII, p. 70.

² *Journals*, vol. XIV, p. 692.

Resolved, That the settlement of the Accounts of M^r Caron de Beaumarchais said to have been made by M^r Silas Deane at Paris in the Month of April 1781, cannot be deemed binding on the United States; the said M^r Deane not being vested with any Authority to make such adjustment.

Resolved, That the said Accounts be settled at the Treasury of the United States; and that M^r Beaumarchais be required to transmit the same together with the necessary Vouchers in support thereof, in order that a speedy and final adjustment may be made of all his claims against the said States.

All which is most humbly submitted.

September 18th 1788.

SAMUEL OSGOOD
ARTHUR LEE

[Letter from the Office of Secretary at War respecting the Western territory¹]

WAR OFFICE *September 19th 1788.*

SIR: In the absence of the Secretary at War, I have the honor to transmit to your Excellency, the copy of a letter from the Governor of the Western Territory dated at Fort Harmar the 2^d instant, together with copies of two letters from the Indian Messengers to the Superintendent of Indian Affairs for the Northern District dated Detroit Rivers Mouth the 4th and 14th ultimo.

I have the Honor to be, etc.,

W^m KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, III, p. 301, read September 25, 1788. The three mentioned enclosures are St. Clair to Knox, pp. 289-290; Wilson and Rinkin to Butler, pp. 293-295 and W. Wilson to Butler, pp. 297-298.

[Letter of Secretary for Foreign Affairs with letter of Mr. Gardoqui¹]

OFFICE FOR FOREIGN AFFAIRS

22^d Sept^r 1788

Sir: I have the honor of transmitting to your Excellency herewith enclosed, a Letter (and a translation of it) from M^r Gardoqui dated the 19th instant, and am with great Respect and Esteem, etc.,

JOHN JAY.

His Excellency THE PRESIDENT OF CONGRESS.

[Letter of Secretary for Foreign Affairs, on letters of the Governor of Virginia²]

OFFICE FOR FOREIGN AFFAIRS

19th Septem^r 1788

SIR: The Absence of the Minister of France (with whom it appeared to me expedient previously to converse on the Subject of the Letters of 30th June and 2^d July from his Excellency the Governor of Virginia) induced me to postpone reporting on them. He arrived Yesterday, and I have seen him this Morning. He is preparing to go immediately to Boston, and prefers leaving this Affair in its present State until his Return. The Delay will not in my Opinion be inconvenient, and therefore I took the Liberty of consenting to it.

With great Respect, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 589. It is indorsed as read September 23, but entered in the *Despatch Book*, p. 40, as received (read) September 25, 1788. The letter of Diego de Gardoqui to Jay, is in *Papers of the Continental Congress*, No. 97, pp. 222-226, original Spanish with English translation on pp. 230-232. The letter refers to orders for apprehending J. Sullivan and communications made respecting fugitive negroes. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 207, Gardoqui's letter was referred to the Secretary for Foreign Affairs to report. Jay's letter bears the indorsement, "Novr 23^d 1789, rec^d from the office f. f. Affairs. the papers enclosed filed in the office of f. Aff^{rs} not reported on".

² *Papers of the Continental Congress*, No. 80, III, p. 585, read September 25, 1788. The letters of the governor of Virginia relate to the Ferrier question. See August 8, 1788.

[Report of Commissioner of Army Accounts on petition of J. King for A. Baird ¹]

OFFICE OF ARMY ACCOUNTS

New York Aug^t 25, 1788.

The Commissioner for settling the accounts of the late Army of the United States, to whom was referr'd the petition of A. Baird requesting the commutation in lieu of half pay for life, as a deranged Surgeon in Baldwin's Corps of Artificers, begs leave to report.

That Doctor Baird founds his claim on the resolution ² of January 17, 1781, granting generally the half pay to the Hospital department, and that ³ of May 3^d 1782, granting the same particularly to a Surgeon of Artificers.

That Congress did on the 19 of October last, refer to your Commissioner a report ⁴ made by a committee of Congress on the petition of sundry officers of the late Corps of Artificers for half pay or commutation, which report your Commissioner was directed to take order on, and is in the words following. viz.

"The Committee consisting of _____ to whom was referr'd the memorial of several officers of the Corps of Artificers, praying that in settling their accounts they be allowed the Commutation of half pay as founded on Justice or on the Acts of Congress beg leave to report.

"That the claims of those Officers does not appear to be founded on the usages of Nations nor in equity, they believe that half pay has been allowed to Military Officers partly from a regard to the hardships and personal dangers to which they were exposed, but chiefly from a consideration that by a long continuance in the Military line they may have lost those habits by which they had formerly been enabled to provide for themselves or family, which reasons does not apply so fully to the Officers of Artificers.

¹ *Papers of the Continental Congress*, No. 62, pp. 251-254 (copy). This report was transmitted to Congress with a brief covering report of Joseph Howell, the new commissioner, dated September 19, 1788, which is on p. 247. It is indorsed as read September 23, 1788, which is apparently an error. See September 16, 1788.

² *Journals*, vol. XIX, p. 68.

³ *Journals*, vol. XXII, p. 236.

⁴ The date of this report is October 19, 1785. See *Journals*, vol. XXIX, pp. 840-841. See July 31, 1788.

"Your Committee are of opinion that their sole rule on this occasion must be the Acts of Congress respecting the Officers in the corps of artificers, and they do not find any resolution by which they are entitled to half pay or commutation, on the contrary they seem to be expressly cutt off from any such claim.

"The original Act ¹ of Congress of May 15^b 1778, by which half pay was promised for seven years confines the same to *Military Officers* which certainly did not include the Artificers, and your Committee are of opinion that all subsequent Acts which relate to half pay, the same denomination of Officers must be intended unless in cases where other Officers are expressly mentioned, surely the act ² of October 2^d 1780, promising half pay to Officers who might be deranged never could be construed as given half pay to any class of Officers who had no claim to half pay, had they continued in service to the end of the War, if any doubts could have arisen whether the Artificers were intended in the promise of half pay it must be fully removed by the Act ³ of the 16^b Novem^r 1779, it was then resolved. That it be recommended to the several States to allow the Corps of Artificers established ⁴ by Congress the 12^b Ins^t all the benefits provided for Officers and Soldiers in the line of their quota's of the Continental Battalions except the half pay, after this pointed and express exclusion of those Officers from the allowance of half pay your Committee are of opinion that nothing but a subsequent promise equally pointed and express can give them a title to the same, none such has been made, wherefore they submit the following Resolve, That the Officers of the late Corps of Artificers in the service of the United States are not entitled to half pay, or the commutation for half pay."

¹ *Journals*, vol. XI, p. 502.

² This is apparently the act of October 21, 1780. *Journals*, vol. XVIII, pp. 958-959.

³ *Journals*, vol. XV, p. 1276.

⁴ *Journals*, vol. XV, pp. 1261-1262.

Your commissioner therefore supposes that he is not warranted to grant the commutation to the Memorialist unless he has the direction of Congress.

signed JN^o PIERCE¹

CHARLES THOMSON ESQUIRE

FRIDAY, SEPTEMBER 26, 1788.

Six states assembled namely Massachusetts, Connecticut New York, Virginia North Carolina and South Carolina and from New hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold from New Jersey M^r [Abraham] Clarke from Pensylvania M^r [James R.] Reid and from Delaware M^r [Dyre] Kearny.

² MONDAY, SEPTEMBER 29, 1788.

Six States assembled attended, namely Massachusetts, Connecticut, New York, Virginia, North Carolina and South Carolina, and from New Hampshire M^r [Nicholas] Gilman,

¹ SEPTEMBER 25, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 207, the following were referred to the Board of Treasury to report:

Petition of Jeffery Mathewson who was employed with teams in the Army. Received (read) September 25, 1788. No report was rendered, consequently the petition does not appear in the *Papers of the Continental Congress*.

Memorial of Daniel Baldwin respecting a burned certificate. Received (read) September 25, 1788. No report was rendered consequently the memorial does not appear in the *Papers of the Continental Congress*.

According to indorsement the following were read:

Letter of Arthur St. Clair to Charles Thomson, September 2, 1788, on the prospects respecting the Indian treaty. *Papers of the Continental Congress*, No. 150, III, pp. 389-391.

Letter of Isaac Sherman to the President of Congress, September 16, 1788, asking for a determination on a former petition. *Papers of the Continental Congress*, No. 78, XXI, pp. 485-486. See February 25, 1788.

Memorial of William Bedlow, deputy postmaster of New York, respecting postage on letters of the Treasurer of the United States. *Papers of the Continental Congress*, No. 41, I, pp. 479-480. This letter is indorsed as read September 23 but is entered in the *Despatch Book*, p. 40, as received September 25, 1788. See October 1, 1788.

² Roger Alden takes up the entry.

from Rhode Island M^r [Peleg] Arnold, from New Jersey M^r [Abraham] Clark and from Pennsylvania M^r [William] Irvine.

¹ TUESDAY, SEPTEMBER 30, 1788.

Congress assembled present Massachusetts Connecticut New York New Jersey Pennsylvania Virginia North Carolina and South Carolina and from New hampshire M^r [Nicholas] Gilman from Rhode island M^r [Peleg] Arnold and from Delaware M^r [Dyre] Kearny.

The² committee consisting of M^r [Abraham] Clark, M^r [Nathan] Dane, M^r [Edward] Carrington, M^r [William] Bingham and M^r [Hugh] Williamson, appointed³ to enquire fully into the department of finance, beg leave to observe,⁴ that the objects of that department are so various and extensive in their nature, that the time allowed to your Committee from their necessary business in Congress would not permit them to prosecute their enquiries in such a manner as to give a minute detail of all the transactions of the Treasury Board, and those acting under their direction. They have however proceeded as far as their time and other circumstances would admit, and thereupon Report,

That they have particularly examined the Receipts and Expenditures of the Federal Treasury from Nov. 1. 1784, the day on which the late Superintendent of Finance closed

¹ Charles Thomson resumes the entry.

² Benjamin Bankson takes up the entry.

³ See July 7, 1788.

⁴ *Papers of the Continental Congress*, No. 26, pp. 701-708, in the writing of a clerk. Read September 30, 1788. At the end of the original report Mr. Hugh Williamson made the following notation, "Oct^r 17th 1788. Observing a capital Error in the third Page of this Report which had obviously been occasioned by the accidental omission of the civil List, in order that the Report might correspond with Truth and the obvious Intent of the Committee I conceived it my Duty, no other member of the Committee being present, to correct it accordingly by the alterations N^o 1, 2 and 3.

HUWILLIAMSON"

The modifications are noted in special footnotes below.

his accounts, to the 21 of April 1785, the day on which the Board of Treasury commenced their administration, and from that day to 1 April 1788, comprehending in the whole three years and five Months. In making a statement, the Committee have arranged under different heads the foreign and domestic Receipts and Expenditures; Indents and Specie payments; the first and second period of time above mentioned.

The first period. Domestic Receipts and Expenditures in Specie

Nov ^r 1. 1784, there was in the Treasury.....	21, 986. 72
from Nov ^r 1, 1784, to April 21 ^t 1785, there was paid into the Treasury by the Receivers of Taxes.....	143, 648. 34
By the post master General.....	2, 000.
On account of the sale of public Stores.....	4, 077. 87
Total dollars.....	171, 713. 13

Expenditures during the same period.

Paid on account of the anticipations of 153,896 11/90 dollars made by the late Superintendant of Fi- nance.....	58, 065. 38
In the Civil, Military, Contingent and Indian Departments.....	68, 357. 80
April 21. 1785. Balance in the Treas- ury as then stated by the Board..	45, 289. 75
	<u>171, 713. 13</u>

The Register of the Treasury stated that April 21. 1785, there was in the Treasury.....	45, 289. 75
On examining the Registry it appears there was only.....	43, 605. 20
Error or difference.....	1, 684. 55

This difference arose from the circumstance that payments were made from the Treasury before, but not entered in the Registry till after the 21 April 1785.

Foreign Receipts and Expenditures

Nov. 1. 1784, the late Superintendant of Finance stated, that the Anticipations on the funds in Europe were 88,306 83/90 dollars, that there was a balance due to Messieurs Willink, Staphorst and c^o of 7,665 74/90 dollars, but by a stated account received from Holland since that period it appears there was a balance due from the said Messieurs Willink, Staphorst and co on the 1 of Nov^r 1784 of 463,894.40 dollars, received by them in the months of August, September and October preceding, this sum, as well as some expenditures in Europe prior to Novem^r 1. 1784, not being included in the accounts of the Superintendant, are placed among the Receipts and Expenditures, from Nov. 1. 1784, to April 21. 1785, which stand as follows,

Foreign Receipts

Nov ^r 1. 1784, In the hands of M ^r Grand, Banker at Paris.....	dollars 28, 040. 54
Receiv'd by the Commis ^{rs} of Loans in Holland, including the sum abovementioned.....	600, 788. 80
Profit on Bills of Exchange sold above par.....	4, 752. 33
Received of Le Couteu and Co. (a debt due from them.....)	3, 545. 20
Received of M ^r Dana (monies returned).....	13, 128. 58
Total.....	650, 255. 65

Foreign Expenditures in 1784 and to 21 April 1785

Interest paid on Foreign Loans.....	67, 869. 63	
Premiums on ditto.....	48, 638. 37	
Debts, Salaries etc. paid.....	119, 825. 7	
		236, 333. 17
		413, 922. 48

April 21. 1785. Balance in the hands of M^r

Grand and said Commissioners, to wit,

In the hands of M^r Grand..... 17, 193. 64

In the hands of said Commis-
sioners..... 396, 728. 74

413, 922. 48

Domestic Receipts and Expenditures, from April 21. 1785,
to April 1. 1788.

Indents Received by the Loan Officers and Receivers to
April 1. 1788, as follows,

New Hampshire.....	86, 474. 24
Massachusetts.....	453, 046. 25
Connecticut.....	70, 598. 17
New York.....	399, 359. 11
Pensylvania.....	434, 265. 70
Delaware.....	46, 264. 14
Virginia.....	391, 131. 23

dollars..... 1, 881, 139. 4

Of the above sum about 1,100,000, dollars, have been
actually received into the federal Treasury, and the residue
of it remains in the hands of the Loan Officers.

Domestic Receipts and Expenditures in Specie, from April
21. 1785 to April 1. 1788

Receipts from New Hampshire.....	12, 142. 48
Massachusetts.....	29, 241. 64
Rhode Island.....	454. 5
Connecticut.....	46, 307. 21
New York.....	196, 519. 32
New Jersey.....	21, 620. 65
Pensylvania.....	181, 845. 84
Delaware.....	20, 859. 14
Maryland.....	252, 817. 24
Virginia.....	178, 423. 21
North Carolina.....	28, 486. 78
South Carolina, credited for supplies in 1782 etc.....	27, 730. 38
Total receiv'd of the States by the Loan Officers etc.....	996, 448. 44
Stated to have been in the hands of the Receivers and Loan Officers the 21 of April 1785, the sum of 18,578.39 dol ^{rs} , but as 741.53 dol ^{rs} had been previously received of the Receivers of Taxes in South Carolina, but not entered in the Registry till afterwards, the true sum in the hands of the Receivers and Loan Offi- cers on that day was 17, 836.76.....	17, 836. 76
	1, 014, 285. 30
Received from the Receivers and Loan Offi- cers, during the said period by the Treas- urer.....	974, 660. 16
For new Emission Money in New York, Mary- land and Virginia.....	49, 761. 40

Several debts recovered	26, 511. 62
Paid into the Treasury by the Post Master General	11, 645. 17
Profit on Bills of Exchange sold above par and for a Stove	8, 615. 64
Monies received of the Commissioners in Holland	196, 232. 84
Received back from Constable Rucker and C ^o , being a part of the 316,866.49 stated as a remittance for the payment of foreign interest	34, 165. 2
A like sum charged in a former quarter and not applied, which returned to the Treasury	10, 225.
Balance in the Treasury as stated to Congress April 21. 1785 ²	¹ 45, 289. 86
Total	³ 1, 357, 107. 11

¹ Williamson makes the amount \$45,295 86/90. Alteration no. 1.

² Interlined is the following entry, alteration no. 2:

"Anticipation of the Public Credit, 1 April 1788 20,128.26 Fractions..49"

³ Corrected amount \$1,377,241 86/90.

Domestic Expenditures in Specie from April 21, 1785
to April 1. 1788

In discharge of the anticipations		
of the late Super ^t of Finance...	2, 367. 41	
In Payment of Old Accounts....	77, 714. 35	
Allowed to South Carolina for		
Supplies in 1782 etc. ¹	27, 730. 38	
		107, 812. 24
The Marine.....		10, 835. 77
Army	Pay Master General's de-	
	partment.....	251, 821. 36
	Subsistence of the army....	123, 231. 70
	Quarter Master's depart-	
	ment.....	24, 523. 75
	Clothing of the army.....	31, 525. 73
	Military and Ordnance	
	Stores.....	14, 605.
	Hospital department.....	534. 24
		446, 242. 8
Indian department.....		59, 656. 58
Pensions, Annuities and Grants.....		32, 171. 67
Contingencies, including 76 41/90 dollars paid		
to pres ^t Wheelock.....		6, 813. 35
Allowed Pensylvania, for payments to In-		
valids.....		41, 810. 84
ditto, for taking up British deserters....		2, 365. 83
Remittances for the payment of foreign		
Interest.....		316, 866. 49
Monies paid in America to the Captors of		
certain prizes captured by Jones.....		20, 772. 55
Whole Expenditures.....	² 1, 045, 347. 79	

¹ Interlined is the following entry, alteration no. 3:

"Civil List, Salaries and Expenses 331,894. 7"

² Corrected total 1,377,241.86

Foreign Receipts and Expenditures—Receipts

April 21. 1785, Balance in the hands of Mr	dollars
Grand.....	17, 193. 48
Balance in the hands of Com- mis ^{rs} of Loans in Holland.....	396, 728. 58
Received on Loans from April 21. 1785, to April 1. 1788.....	249, 427. 76
Cargoes remitted from America by the late Superintendent.....	26, 689. 52
Remittances made from America by the Board of Treasury.....	258, 971. 46
Monies received in Europe on account of Cap ^t Jone's Captures.....	20, 772. 55
Balances Received etc.....	20, 104. 46
	989, 888. 31
Fraction.....	. 5

Foreign Expenditures, from 21. April 1785, to 1 April 1788

	dollars
Interest paid in Europe, from European funds.....	481, 516. 57
Premiums paid on Loans.....	40, 767. 41
Commissions on Interest paid.....	5, 548. 70
Monies remitted to America.....	196, 232. 84
For discharge of debts in Europe.....	25, 324. 63
Balance due from de la Lande and Finje when they failed.....	43, 110. 32
Civil List in Europe, as Salaries, contingent expences etc.....	175, 079. 59
Balance due to the United States remaining in the hands of the Commissioners of Loans in Holland, April 1. 1788.....	22, 307. 80
	989, 888. 36

On a statement of the public Receipts and Expenditures the Committee find that on the 1 April 1788, the anticipations upon the public Credit made by the Board of Treasury were_ 20, 128. 86
ditto made by the late Superintendant of Finance_----- 93, 463. 22

Total----- 113, 592. 18

That on the same day there were the following sums subject to the Order of the Commissioners of the Treasury----- 22, 307. 80

In the hands of the Loan Officers and late Receivers_----- 42, 536. 85

So that the Anticipations on that day did not much exceed the monies so subject to the orders of the Board.

The Committee find that Specie demands arising against the Treasury are, in general satisfied with considerable punctuality except those arising on account of interest which has become due on the French and Spanish Loans. Interest on these loans is much in arrears.

The Committee have herewith submitted to Congress, general accounts of Monies that have been advanced in the department of the Commissary, Quarter-master, Clothing, Marine and Hospital, marked from N^o 1 to 6 inclusive, many of which accounts are settled and others of them are in a fair way to be settled by the Officers of the Treasury and the Commissioners of the five departments.

Your Committee turning their attention to an Act of Congress of the 22^d May last, directing the Board of Treasury to call upon all such persons as had been entrusted with public money and had neglected to account for the same and such other persons as may have made partial or vague settlements

without producing proper vouchers, were desirous to obtain a particular statement of the accounts which are in the above predicament, but they are sorry to find that such a detail is too lengthy to be here inserted. Some of those accounts are stated in the file of papers marked *papers respecting unsettled accounts*, which is herewith submitted. From the general aspect of those accounts your Committee are constrained to observe, that there are many strong marks of the want of Responsibility or attention in the former transactions respecting the public treasures. No less a sum than 2,102,600 dollars has been advanced to the Secret Committee of Congress before 2nd August 1777, and a considerable part of this money remains to be accounted for otherwise than by Contracts made with Individuals of their own body, while those Individuals neglect to account.

Your Committee find that other considerable sums have been paid out of the Treasury of which no appropriation is to be found on the public Journal of Congress. Several of them remain to be accounted for.

Of the accounts which have been partially settled, or settled without authority or without proper vouchers, two or three by reason of their magnitude have claimed the particular attention of your Committee. Their amount is little short of half a million of dollars Specie, and though by Acts ¹ of June 14 and 20, 1781 and April 10. 1783, those accounts appear to have claimed the attention of Congress, Your Committee find that it remains very doubtful to this day whether many of the charges against the United States, which are stated in those accounts have any solid foundation.

Your Committee were desirous to discover in what manner the large sums of Money received in France, have been

¹ *Journals*, vol. XX pp. 645 and 681, and vol. XXIV, pp. 234-238, respectively.

accounted for, but the subject of this enquiry seems to be involved in darkness.

	Livres.	S.	d.
The amount of the several Receipts, is...	47, 111, 859	12	8
Of this sum there has been sent over or drawn for and ex- pended in America	26, 246, 727	5	5
Salaries of Foreign Ministers.....	1, 160, 183		
	27, 406, 910	5	5
There remains.....	19, 704, 949	7	3

The documents for the expenditure of this balance have never been produced at the Treasury. They must be in France if there are any such papers. A full enquiry into the premises now claims the attention of the Board of Treasury. Some time must be expended in making the necessary investigation, but the result may be of important service to the United States.

Your Committee further report, that the Board of Treasury pursuant to an Act of Congress have sold at public vendue of the first four ranges of Townships the quantity of 150,896 acres, in sections and fractional parts of sections, upon condition that one third of the purchase should be paid down, and the remaining two thirds in three months after the sale; and in case of failure in the last payment, the first to be forfeited. The purchasers were also to pay for the expence of surveying at the rate of one dollar for every 640 acres, the whole of those sales amounted to 176,090. 6 dollars; of which there has been paid into the Treasury the whole amount of the purchases with the expense for surveying, except one large purchase amounting to 88,764.39 dollars, on which only the first payment being one third was paid; by

which the whole Receipts in the Treasury on those sales (including in some instances a small overplus where Certificates would not produce the exact sum) amounts as per account marked N^o 7, to 117,104.46 dollars.

The said Board have also by order of Congress made a contract with Sargeant and Cutler for a tract of land supposed to contain between four and five millions of acres exclusive of donations for public uses, and lands reserved for the United States, in which Contract Army Rights for bounties in lands, to the amount of one seventh part of the purchase are to be admitted in part of payment; the other parts thereof were stipulated to be paid as follows.

On executing the Contract.....	500, 000 dollars
Within one month after executing the survey.....	500, 000
At six other payments of 332,192.30 dol- lars, each half yearly.....	1, 993, 154
Making in the whole.....	2, 993, 154. dollars

On which Contract there was paid into the Treasury on the 27 of October last, the first payment of 500,000 dollars.

The said Board has also agreed to grant to John Cleves Symmes Esq. one million of acres on terms nearly similar to the Contract with Sargeant and Cutler; the sum to be paid on this purchase after deducting the donations and land reserved, will, exclusive of the Army Rights to be admitted, amount to 571,437.60 dollars, of which the first payment, or a sum nearly equal thereto is already deposited in the Treasury, wherefore your Committee presume the contract will certainly be executed.

The amount of sales of land in the western territory to be paid in public securities will then stand as follows.

The amount of sales in the first four ranges of Townships-----	dollars 176, 090. 6
The Contract with Sargeant and Cutler-----	2, 993, 154.
Ditto with M ^r Symmes-----	571, 437. 60

Amounting in the whole to----- 3, 740, 681. 66

The Board of Treasury are also authorised to sell to Mess^{rs} Flint and Parker, one million of acres for the same price and on the same terms as the sale to M^r Symmes, excepting that the first payment is not to be made till the Indian title to the premises shall be extinguished; but as this contract has not in any degree been carried into effect no account is made of it.

From the account of Receipts in payment for land, as beforementioned, there appears to be now in the Treasury in public Securities,

Received on account of sales in the Townships-----	117, 104. 64
Received on the Contract with Sargeant and Cutler-----	500, 000.

As the Contract with Symmes is not yet executed, the sum by him deposited in the Treasury is not taken into the account of Receipts....

There has also been received from sundry persons in public securities for debts due to the United States, and by the sale of Ordnance Stores, as per account marked N ^o 8, the sum of-----	142, 315
---	----------

Amounting to----- 759, 419. 65.

Exclusive of the above there is an engagement for paying in the course of the present month on account of a debt due to the United States from de La Lande and Finje, in public securities, the sum of-----	36, 576. 2.
---	-------------

There are also two contracts made by the Board of Treasury with James Jarvis, the one for coining three hundred tons of copper of the federal standard, to be loaned to the United States, together with an additional quantity of forty five tons which he was to pay as a premium to the United States for the privilege of coining; no part of this contract hath been fulfilled. A particular statement of this business so far as relates to the three hundred tons, has lately been reported to Congress. It does not appear to your Committee, that the Board were authorised to contract for the privilege of coining 45 Tons, as a premium exclusive of the 300 mentioned in the Act of Congress.

The other Contract with said Jarvis is for the sale of a quantity of Copper amounting as per account to 71,174 pounds; this the said Jarvis has received at the stipulated price of Eleven pence farthing sterling per pound, which he contracted to pay in copper coin of the federal standard on or before the last day of August 1788, now past; of which, but a small part has been received. The remainder it is presumed, the Board of Treasury will take effectual measures to recover as soon as possible.

The enquiry of your Committee has not been confined to the transactions of the Board of Treasury only, but to others in a subordinate station, among which are the Loan Officers, and commissioners for settling accounts in the several States; Upon which enquiry they find that all the present Loan Officers, except those of South Carolina and Georgia, have accounted for their Receipts of Monies and Indents from their respective States up to the 31 of March last, but have not made Returns of their issues of Indents for Interest.

The accounts of the former Loan Officers appointed under the first establishment of the office, in respect to settlements, stand in the several States as follows:

New Hampshire and Massachusetts-----	both settled by the commissioners for settling accounts in the several States, which having been approved of by the Comptroller of the Treasury, the same by his orders were entered in the Books of the Treasury, and the accounts closed.
Rhode Island-----	no account received or Return made of any settlement.
Connecticut-----	Settled by the commissioner, but the settlement not yet inspected to be ready for entry in the Books.
New York-----	There having been two Loan Officers, the accounts of the first were settled by the Commissioners of accounts for the Northern department in the year 1780, but not having been approved of by the then Board of Treasury or the Auditor General, the same has not been entered on the Books, but remains in the state they were returned to the Treasury. The accounts of the other Loan Officer have been settled by the late Commissioner, but no order has been given for their entry.
New Jersey-----	The accounts have been examined by the Commissioner of the State, but not considered as finally settled.
Pennsylvania-----	Very extensive accounts not yet examined in any part.
Delaware-----	Examined, but not compleat for entry.

Maryland.....	Settled by the Commissioner of the State, but not yet inspected so as to be ready for entry.
Virginia.....	The papers of the first Loan Officer in this State are alledged to have been lost; the documents respecting his Receipts and Expenditures which had been forwarded to the Treasury, have been collected, and copies thereof transmitted to the late Commissioner of the State, but no settlement appears to have been made. His Successor has settled all his transactions with the State Commissioner, which settlement is now in the Loan Office of that State.
North Carolina South Carolina and Georgia.	Not settled. In the two last States, the principal sums loaned is said to have been appropriated by the respective States in which the same were loaned.

With respect to the Commissioners appointed for settling accounts in the several States, no Return of Books and papers have been made by them except from the States of New York, New Jersey, Pennsylvania Maryland and Georgia.¹ The Certificates liquidated and taken up included in those Returns, were lodged in the Comptroller's Office; but they were not cancelled or otherwise defaced; in this situation they lay neglected, until a number of those taken up in the State of New York, which were negotiable, were feloniously taken away by one of the Clerks in the Register's Office; to which

¹ At this point the following clauses were struck out from the original report "and from Pennsylvania by one of the Commissioners. The other Commissioner for that state not having delivered up his Books and papers."

Office those papers had been removed upon the dissolution of the Comptroller's Office; Of those Certificates thus stolen, the greater part have since been recovered, but a deficiency of 2,087 dollars and 47 ninetieths of a dollar yet remains. What, or whether any, other Certificates have been taken away in like manner, is not yet discovered; The above Robbery however in the opinion of your Committee, clearly evinces the impropriety of suffering public securities taken up by the Commissioners, or paid into the Treasury, to remain as they now are, uncanceled.

[Report of committee on claim of J. Spencer ¹]

Mr [Jeremiah] Wadsworth Mr [Alexander] Hamilton and Mr [Abraham] Clarke to whom was referred the Petition of Major Gen Joseph Spencer report that if y^e facts are truly stated in his Petition the prayer thereof ought to be granted, and Submit the following resolution

Resolved that the Treasury Board examine into the facts Stated in the Petition of Joseph Spencer and if they are found true, direct a settlement of his accounts to be made agreeably to the prayer of his Petition on equitable principles.

[Report of committee on case of Beaumarchais ²]

[Report of Board of Treasury on case of W. Perry ³]

The Board of Treasury, to whom was referred the Motion of the Honble. Mr [Dyre] Kearney, for paying to William Perry the stipend claimed by him as a Commissioner for attending Treaties with the Southern Indians in the year 1785.

Beg leave to Report

¹ *Papers of the Continental Congress*, No. 19, V, p. 377, in the writing of Mr Jeremiah Wadsworth. Read September 30, 1788. See August 5, 14 and 20, 1788.

² According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 39, this report was received (read) September 30, 1788. It does not appear among the *Papers of the Continental Congress*. Acted on October 1, 1788. See September 25, 1788.

³ *Papers of the Continental Congress*, No. 138, II, pp. 247-251, read September 30, 1788. See September 9 and October 2, 1788.

That the Accounts of the Commissioners appointed to hold the said Treaty have been stated at the Treasury, by which it appears that they charge the United States with sundry disbursements to the amount of 15.030 51/90ths Dollars.

That by the Act ¹ of Congress of the 15th of March 1785, the said Commissioners were authorised to draw on the States of Virginia, North Carolina, South Carolina and Georgia for the sum of 13.000 Dollars; of which they only appear to have drawn the following sums; that is to say,

On Virginia.....	8. 000
On North Carolina.....	800
On South Carolina.....	3. 000

Hence it results, that, supposing the above Statement to be just (which from the want of Returns of all the States abovementioned except Virginia cannot be ascertained) there remains to be drawn for out of the above appropriation, the sum of Twelve hundred Dollars.

With respect to the difference, betwixt the Expenditures charged by the Commissioners and the sum appropriated, the Board observe, that the Merchandize etc. acknowledged by them to have remained after the Treaty, and for which they have produced no receipt from the person in whose care the same is said to be, will be sufficient to discharge the same; and that the said Commissioners, to whom the balance abovementioned is stated to be due must be deemed responsible for the same, 'till they produce sufficient documents to exonerate themselves from this charge.

The only question which arises in the case of M^r Perry, is whether, as he did not attend the Treaty to the actual completion of it, or assigned any cause for his non attendance, he should be allowed for his time going to and returning from Charleston; the other Commissioners, have charged for their attendance, at two periods, the first, from the 27th of April to the 1st July 1785, the second, from the 22^d August to the 16th December 1785. From some documents in this office there is reason to believe that the Indians did not attend during the first period; which might probably have occasioned M^r Perry's return to his place of residence.

Should Congress be of opinion, under the above circumstances, that M^r Perry is entitled to his pay during the time he actually attended,

¹ *Journals*, vol. XXVIII, pp. 160-162.

the Board submit to their consideration the following Resolve. viz^t

That there be paid to William Perry, one of the Commissioners for holding Treaties with the Southern Indians in the year 1785, the sum of Two hundred and ninety nine Dollars; being for forty six days attendance on the Business of his Commission at Charleston, and that the above sum be discharged out of the appropriations made for this Object by the Resolve of Congress of the 15th of March 1785.

All which is humbly submitted.

SAMUEL OSGOOD

ARTHUR LEE ¹

September 25th 1788.

² WEDNESDAY, OCTOBER 1, 1788.

Congress assembled. Present as yesterday.

On Motion ³ of M^r [Abraham] Clarke seconded by M^r [Hugh] Williamson

Resolved That the board of treasury be and they hereby are directed no longer to delay taking measures for immediately cancelling all the public securities now in the treasury paid in discharge of debts due to the United States by causing a part

¹ SEPTEMBER 30, 1788. According to indorsement and the *Committee Book Papers of the Continental Congress*, No. 190, p. 208, the following committees were appointed:

Mr. Thomas Tudor Tucker, Mr. John Parker and Mr. Abraham Clark on the letter of James Duane, Mayor of New York, to the Delegates of New York, dated September 29 and read September 30, 1788, respecting repairs on the City Hall. *Papers of the Continental Congress*, No. 78, VIII, pp. 237-238. Report rendered October 1 and acted on October 2, 1788.

Mr. Nicholas Gilman, Mr. James R. Reid and Mr. Edward Carrington on the petition of General James Reed, dated September 20 and read September 30, 1788, requesting that he be put on the invalid list. *Papers of the Continental Congress*, No. 42, VI, pp. 534-536. A copy of the petition is on pp. 538-541. Report rendered October 1 and acted on October 2, 1788.

According to indorsement the committee on the Post Office Department had leave to take back its report of August 27, 1788. See July 7, 9, and October 9, 1788.

Also according to indorsement the Committee of July 7, 1788 on the War Department had leave to take back its report of July 21, 1788. See October 2, 1788.

² Charles Thomson resumes the entry.

³ *Papers of the Continental Congress*, No. 26, p. 685, in the writing of Mr. Abraham Clark.

of the same to be cut out and destroyed in such a manner as to leave the number, amount and names of the person signing the same and the person to whom given and in like manner from time to time to cancel all others when paid into the treasury in Order that such securities may be inspected by and finally destroyed in the presence of a committee of Congress to be appointed for that purpose at such time as Congress shall direct; and also that the said board take immediate measures for cancelling all the certificates liquidated and taken up by the commissioners in the several states or in any of the public offices so as to prevent their being fraudulently put in circulation preserving the last mentioned certificates to be charged in account against the respective officers who issued the same.

On the report¹ of a com^{ee} consisting of M^r [Edward] Carrington M^r [Hugh] Williamson and M^r [Abraham] Clarke to whom was referred a report² of the board of treasury on the accounts of M^r Caron de Beaumarchais

Resolved That the settlement of the accounts of M^r Caron de Beaumarchais said to have been made by M^r Silas Deane at Paris in the month of April 1781 cannot be deemed binding on the United States the said M^r Deane not being vested with any authority to make such settlement.

[Report of Secretary of Congress on memorial of W. Bedlow³]

Sept. 26, 1788.

On the memorial of William Bedlow post master of the city of New York stating his difficulties in settling for the postage of letters

¹ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 207, this report was rendered September 30, 1788. It does not appear among the *Papers of the Continental Congress*.

² See September 25, 1788. See also October 10, 1787 and June 20, 1788.

³ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 80. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208, the petition was referred in conformity with the report. See September 25, 1788.

addressed to the treasurer of the United States and praying that the post master general may be directed to credit his account with the postage of the said letters or that Congress would be pleased to direct any other mode of settlement they may think proper.

The Sec^y of Congress reports

~~That the Mem^l of William Bedlow post master for New York be referred to a com^{ee}~~

Oct^r 1

Referred to the post master gen^l to give the credit prayed for.

[Report of committee on the petition of J. Reed ¹]

The Committee [consisting of Mr. Nicholas Gilman, Mr. James R. Reid and Mr. Edward Carrington] to whom was referred the petition of Brigadier General James Reed Report

That the petitioner sets forth as a cause of complaint his having been paid five years and two months half pay on account of his pension as an Invalid; in New Hampshire State Notes which had depreciated to a very low rate, and that, although he complied with the requisition of the Committee appointed by said State in June 1786 to ascertain the pensions to which Invalids are entitled, and procured the Certificates (required by the Resolve ² of Congress of the 12th July 1787) of the Commissioner of Army Accounts, yet he can obtain no further relief from the State of New Hampshire on account of his name not being seasonably entered on the Invalid list.

The Committee therefore beg leave to submit the following resolution, viz^t

Resolved That it be and hereby is recommended to the State of New Hampshire to take into consideration the peculiar situation and sufferings of Brigadier General James Reed and, on his producing proper evidence to substantiate his claim to the pension of an invalid, to make provision for payment thereof out of the Specie requisitions agreeably to the resolutions of Congress of the 11th of June last.

¹ *Papers of the Continental Congress*, No. 19, V, pp. 239-240, in the writing of Mr. Nicholas Gilman. A copy of the report is on p. 243. Read October 1 and passed October 2, 1788. See September 30, 1788.

² *Journals*, vol. XXXII, p. 332.

[Report of committee on repairs on the house where Congress meets ¹]

The Comm^e consisting of [Mr. Thomas Tudor Tucker, Mr. John Parker and Mr. Abraham Clark] to whom was referr'd a Letter from the Mayor of the City of New York to the Delegates of the State of New York report,

That it appears from the Letter referr'd to them, that the Repairs and Alterations intended to be made in the Building in which Congress at present assemble, will render it highly inconvenient for them to continue Business therein; and that it will therefore be necessary to provide some other place for their accommodation. The Committee having made Enquiry find no place more proper for this purpose than the two apartments now appropriated for the Office of foreign Affairs; and they therefore recommend that the said Apartments be immediately prepared for the Reception of Congress and the Papers of the Secretary.

[Report of Board of Treasury on memorial of E. Williams ²]

The Board of Treasury to whom was refered the Memorial of Ezekial Williams, late a Deputy Commissary of Prisoners, in the State of Connecticut,

¹ *Papers of the Continental Congress*, No. 20, I, p. 320, in the writing of Mr. Thomas Tudor Tucker. Read October 1 and passed October 2, 1788. A first form of the report, also in the writing of Mr. Tucker, which is crossed off, appears on the reverse (p. 319), as follows: "The Comm^e consisting of _____ to whom was referr'd a Letter from the Corporation of the City of New York to the Delegates of the State of New York, report

That it appears from the Letter referr'd to them that it is not convenient to the Corporation that Congress shou'd continue Business in the Building in which they at present assemble; and that therefore it will be necessary to provide some other place for their Accommodation. The Committee, having made Enquiry, find no place more proper for this purpose than the [2 apartments now appropriated for the office of foreign affairs] and therefore recommend that the ~~said Building~~ [apartments] ~~be immediately engaged for the Accommodation of Congress.~~ [Papers of the said Office be for the present removed to a smaller vacant Apartment Room in the same Building, and that the beforemention'd Apartments be immediately ~~put into~~ prepared for the Reception of Congress and of the Papers of the Secretary, ~~of~~ and that Congress do henceforth ~~do meet~~ assemble therein.]" See September 30, 1788.

² *Papers of the Continental Congress*, No. 138, II, pp. 535-537, read October 1, 1788. See September 16, 1788.

Beg leave to Report to Congress,

That the balance stated to be due to the Memorialist, is for Services performed and expences accrued previous to the 1st of January 1782; and of course liable to the same general mode of payment, as has taken place in the settlement of the Accounts of other Officers in the Commissary Gen^l of Prisoners Department, for expenditures made during the same period, that is to say, by a Certificate issued by the Register of the Treasury; for the balance found due on their respective disbursements.

That to deviate from this rule, in the case of the Memorialist, would not only place him on a different footing from the other creditors of the Union, whose claims originated during a Similar Period; but necessarily diminish by the Amount of the balance found due to him, the Appropriations made by former Specie Requisitions for different purposes; the unpaid balance of the One Million of Dollars included in the Estimate of the 27th April 1784, for debts contracted and still unpaid for 1782 and 1783 having by subsequent Acts of Congress, been diverted to other objects.

Under the above circumstances, the Board submit to the consideration of Congress the following Resolve:

That the balance found due to Ezekial Williams late a Deputy Commissary of Prisoners in the State of Connecticut on the settlement of his Accounts at the Treasury, being for Services and Expenditures previous to the 1st Jan^y 1782, be discharged in the Usual Mode.

All which is humbly submitted.

SAMUEL OSGOOD

September 30th 1788.

ARTHUR LEE¹

² THURSDAY, OCTOBER 2, 1788.

Congress assembled, present, Connecticut, New York, New Jersey, Pensylvania, Virginia, North Carolina and

¹ OCTOBER 1, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208, the following committee was appointed:

Mr. Pierpont Edwards, Mr. Jonathan Dayton and Mr. James R. Reid on the memorial of Levi Pease, read October 1, 1788, respecting transportation of mail by stages. *Papers of the Continental Congress*, No. 41, VIII, pp. 254-255. Report rendered October 2, 1788.

² Roger Alden takes up the entry.

South Carolina, and from New Hampshire M^r [Nicholas] Gilman, from Massachusetts M^r [Samuel Allyne] Otis, from Rhode Island M^r [Peleg] Arnold and from Delaware M^r [Dyre] Kearny.

On a report ¹ of a committee, consisting of M^r [Nicholas] Gilman M^r [James R.] Reid and M^r [Edward] Carrington to whom was referred the petition ² of Brigadier General James Reed

Resolved, that it be and hereby is recommended to the State of New Hampshire to take into consideration the peculiar situation and sufferings of Brigadier Gen^l James Reed, and on his producing proper evidence to substantiate his claim to the pension of an Invalid, to make provision for payment thereof out of the specie requisitions agreeably to the resolutions of Congress of the 11th of June last.

The committee consisting of M^r [Thomas Tudor] Tucker, M^r [John] Parker, and M^r [Abraham] Clark to whom was referred a letter ³ from the Mayor of the city of New York to the Delegates having reported,⁴

That it appears from the letter referred to them, that the repairs and alterations intended to be made in the buildings in which Congress at present Assemble, will render it highly inconvenient for them to continue business therein, that it will therefore be necessary to provide some other place for their accommodation, the committee having made enquiry find no place more proper for this purpose than the two Apartments now appropriated for the Office of foreign Affairs. They therefore recommend that the said Apartments be immediately prepared for the reception of Congress and the papers of the Secretary.

¹ See October 1, 1788.

² See September 30, 1788.

³ See September 30, 1788.

⁴ See October 1, 1788.

Resolved, that Congress agree to the said report.

¹ The Committee consisting of M^r [John Eager] Howard M^r [William] Few M^r [Jonathan] Dayton, M^r [Nicholas] Gilman and M^r [Edward] Carrington, appointed to make full enquiry into the proceedings in the department of War, beg leave to Report,² and to present to the view of Congress a summary Statement of the various branches of the department of War.

First. Of the troops in Service of the United States.

The troops at present in Service on the frontiers, were raised for three years in consequence of the Resolves³ of Congress passed April 1785.

The establishment was to consist of the field and company Commissioned Officers, and Seven hundred non Commissioned officers and privates, to be raised agreeably to the proportions specified, by the States of Connecticut, New York, New Jersey and Pensylvania, about four hundred recruits were engaged in 1785, and about one hundred and Eighty in 1786 and marched to the Ohio, except a small garrison of an Officer one serjeant and fifteen privates stationed at West-point. The further completion of the establishment was prevented by a deficiency of the public finances.

Of the non-commissioned Officers and privates engaged in 1785 about three hundred and fifty eight remain in service but are or soon will be entitled to their discharge; and those enlisted in 1786 will be entitled to be also discharged previous to July 1789.

In order to replace the deficiencies which would arise from the expiration of the terms of enlistment, Congress on the 3^d of October 1787 made a provision for reinlisting Seven

¹ John Fisher takes up the entry.

² See July 21, 1788, the date of reading the original report and where the portions are printed which were omitted or changed in preparing the amended report, here entered in the *Journal*. See also September 30, 1788.

³ *Journals*, vol. XXVIII, pp. 223-224, 240, and 247-248.

hundred non commissioned Officers and privates, and apportioned them on the same States which had raised the troops in 1785 in order to reinlist as many as possible of the old soldiers.

It appears by information of the Secretary at War that the states of Connecticut, New Jersey and Pennsylvania have fully complied with the acts¹ of Congress of the third of October 1787. But that the late legislature of the State of New York omitted to pass the necessary laws for this purpose, although it is highly probable, that the business will be effected early in the first session of the Legislature.

That it appears from the letter of Brigadier General Harmar of the 15th of June last that the Officers under his command have in consequence of the Resolves of the third of October 1787 reinlisted one hundred and Seventy one non-commissioned officers and privates, about one hundred and ninety recruits will march from Pennsylvania New Jersey and Connecticut for the Ohio in the course of the present month, and Sixty from Connecticut in August or the beginning of September amounting to two hundred and fifty new recruits; when these shall arrive on the frontiers the number of troops will be as follows,

Non commissioned officers and privates having to serve until the year 1789.....	174
Re-enlisted at the Several posts.....	171
New recruits marched from the States of Pennsylvania, New Jersey and Connecticut.....	250
	595

Besides the before recited troops there are in the service two Companies of Artillery raised by virtue of the Resolves²

¹ *Journals*, vol. XXXIII, p. 603.

² *Journals*, vol. XXXI, pp. 892-893.

of Congress of the 20th of October 1786, and retained in service by the Resolve¹ of Congress of the 9th of April 1787 and a small detachment at West-point of thirteen non commissioned and privates raised by virtue of the acts of Congress of April 1785.

These companies of Artillery were each completed on the first of May 1787 to the establishment of Seventy non Commissioned officers and privates, but they have been exceedingly reduced by desertion since this period. This unworthy conduct has been induced principally from an inequality in their treatment, they being held in service while others enlisted on the same terms by virtue of the Resolves of the 20th of October 1786 have been discharged, combined also with the irregularity of their payments. Both of these companies amount at present only to Seventy one noncommissioned Officers and privates. They have served about one half the term for which they were engaged, and have yet to serve about eighteen months. The Secretary at War intended to have had them compleated early in the present year, and to have ordered one of them to the frontiers, but money and Clothing could not be obtained in season for this object.

One of the Companies is stationed at Westpoint on Hudsons River, and the other at the Arsenal at Springfield on Connecticut River. A garrison at West point appears to be essential for guarding the valuable public property which is deposited there. Springfield might probably be entrusted to an Officer and fifteen noncommissioned and privates.

The time which these Companies have to serve is not so great as to Justify the filling them up and marching them to the frontiers unless there should be some pressing demand for the measure. The most œconomical arrangement would

¹ *Journals*, vol. XXXII, pp. 158-159.

be to reduce the Commissioned Officers of one Company and transfer the noncommissioned Officers and privates to the other which would complete the same. To be opposed to this measure is the consideration, how far such a conduct would be politic, as it respects that kind of Security of employment so necessary to a due preparation for the proper performance of the duties of an Officer. The annual pay and subsistence of one Captain and two lieutenants of Artillery, amount to thirteen hundred and Eighty dollars, which would be the saving by the Reduction of the officers of one of the Companies.

These facts are submitted for the consideration of Congress.

The services of the small detachment at West point will soon terminate with their enlistments.

The inspector of the Troops has been discharged agreeably to the Orders of Congress of the 25th of June.

Second. Of the Clothing for the Troops.

The Troops enlisted in 1785 have already received two complete suits, and most of them have one years Clothing complete due to them.

Provision was made for the third years Clothing but the Secretary at War has been constrained to apply it for the recruits; otherwise they could not have been enlisted, good Clothing being the greatest inducement for a recruit to enlist into the service.

The Board of Treasury have advertised for a contract for clothing, and hope to succeed. In which case the old Soldiers who have reenlisted will receive their third suit in October next. Those of this description who will be discharged, will probably prefer a compensation in money to the Clothing.

The troops on the frontiers enlisted in 1786 have also received two suits of Clothing and will if the Board of Treasury succeed in their contract duly receive their third suit.

The two Companies of Artillery raised in Massachusetts have received only one years Clothing, they will probably receive their second suit in the ensuing October.

3^d Of the Pay of the Troops.

The troops have generally been paid up to the first of January 1787 and the officers have had their subsistence and forage money paid up to the first of April 1788. Both officers and Soldiers appear well satisfied in this Respect. But as about two hundred noncommissioned Officers and privates will be discharged during the present year it will be necessary that the Treasury Board devise some mode to make them satisfactory payment. The Balance due the troops to the first day of July is estimated at sixty five thousand dollars.

4th Of the Stations occupied by the Troops on the frontiers.

Fort Franklin. On French creek near to the post formerly called Venango is a small strong fort with one Cannon, was erected in 1787 and garrisoned with one Company. The excellent construction and execution of this work reflects honor on the abilities and industry of Captain Hart who garrisons it with his Company and who was his own engineer.

This post was established for the purpose of defending the frontiers of Pennsylvania, which are much exposed by the facility with which the Indians can cross from Lake Erie, either to french creek or to the Jadaghque lake and the Conneawango branch and thence descend the rapid River Allegheny.

Fort Pitt. Has only an officer and a few men to receive the supplies and dispatches forwarded to the Troops by the Secretary at War.

Fort McIntosh. Is ordered to be demolished, and a blockhouse to be erected in lieu thereof a few miles up the Big Beaver Creek to protect the communication up the same, and also to cover the County.

Fort Harmar. At the mouth of Muskingum is a well constructed fort with five bastions and three cannons mounted.

It is at present garrisoned with four Companies, and is considered as Head Quarters, being conveniently situated to reinforce any of the posts either up or down the River Ohio.

Fort Steuben. At the Rapids of the Ohio, on the west side, is a well constructed small fort, with one cannon, and is garrisoned with a Major and two Companies. This post is established to cover the Country from the incursions of the Indians, and it also serves as a post of communication to post Vincennes on the Wabash.

Post Vincennes. On the Wabash is a work erected during the year 1787 and has four small brass cannon. It is garrisoned by a Major and two Companies.

It is established to curb the incursions of the Wabash Indians, into the Kentucky Country, and to prevent the usurpation of the federal lands, the fertility of which have been too strong a temptation to the lawless people of the frontiers who posted themselves there in force in the year 1786. Brigadier General Harmar by orders of Congress formed an expedition in August 1787 for the purpose of dispossessing them, but previously to his arrival most of the intruders had abandoned their settlement.

5th Of the Discipline of the Troops.

Ample instructions have been repeatedly transmitted by the Secretary at War to the Commanding Officer relative to the various objects for which the troops are placed on the frontiers.

The posts they were to occupy, and the nature of the fortifications to be erected have been pointed out.

The discipline of the troops, and particularly the soldierly and habitual vigilance most especially necessary to be observed in such exposed situations have been inculcated and enforced in the strongest terms; as also has been the œconomy essential to the various staff departments.

And there are good reasons to believe that the numerous and distant posts on the Ohio, and its communications are well regulated in all respects, dependent on the Commanding officers; and that the troops practice as high a degree of discipline as the nature of the detached service in which they are employed will possibly admit.

6th Of the mode in which the troops are furnished with Provisions.

In the year 1785 M^r James O'Hara made a contract with the Board of Treasury for furnishing the several posts on the frontiers with rations which were to consist of

One pound of beef, or three quarters of a pound of pork	
one pound of bread, or flour	
one gill of common Rum	
one quart of salt-----	} for every hundred Rations
two quarts of Vinegar-	
two pounds of Soap---	
one pound of Candles-]	

The prices of which at the several posts where the troops were actually stationed were as follows

At Fort Pitt-----	} 13 1/2 ninetieths of a dollar
“ M ^c Intosh-----	
“ Harmar-----	

This contract was performed tolerably well, some complaints were made respecting particular posts, but the defects were perhaps inseparably connected with the state of the frontiers and of public affairs.

In 1786 a contract was formed by the Board of Treasury for the same objects with Messrs Turnbull Marmie and Co. the articles of the ration to consist of the same as the preceeding and the prices thereof,

At Fort Pitt 10 1/3 ninetieths of a dollar	
“ M ^c Intosh-----	} 11 1/2 ditto
“ Harmar-----	

There were some stipulations for payment by warrants on the State of Pennsylvania which were paid in the paper Currency by the said State when greatly depreciated. This contract was ill executed, and the mode of payment was assigned by the contractors as the reason.

In 1787 a Contract was formed by the Board of Treasury with M^r James O'Hara at the prices herein stated,

Fort Pitt-----	9 1/4 ninetieths of a dollar
Fort M ^c Intosh-----	10 1/4 ditto
Fort Harmar-----	11 1/4 ditto
Rapids of the Ohio-----	13 1/2 ditto
Venango-----	14 ditto

This Contract was better executed than any of the former. The payments were generally made in warrants on New Jersey Pennsylvania and Maryland.

A new contract has been formed to take effect from the first of July of the present year to the end of the year 1789

by Messrs Elliot and Williams of Maryland at the following prices. The terms of payment by warrants on Maryland.

Fort Pitt.....	7 ninetieths of a dollar
“ McIntosh	the same
“ Harmar.....	the same
Rapids of the Ohio.....	7 1/2 ninetieths of a dollar
Post Vincennes.....	16 ditto
Venango.....	9 ditto

7th Of the Quartermaster's Department.

The Quartermaster's department on the frontiers is arranged on principles highly Economical and beneficial to the public.

~~There is no such officer as Quartermaster, except the usual Regimental quartermasters [this paragraph not to be entered]~~

Instead of an officer at the head of this department with his train of attendants, all Supplies are furnished by the Contractors of provision who have also from time to time contracted with the Secretary at War to furnish all necessary Articles on the frontiers which shall be required for the troops on the following principles.

1st No Article to be furnished, but by an order in writing from the Commanding Officer of the troops, or the Commanding Officer of a Separate post, who shall be responsible to the Secretary at War that only such Articles shall be ordered as the situation of the troops render indispensably necessary.

2^d That for all articles so furnished the Original bills of parcels shall be produced by the Contractor which shall be verified upon Oath if required.

3^d That no charge shall be allowed the Contractors which shall be deficient in the vouchers, the nature of which are precisely pointed out.

4th That for all Supplies advances and Services rendered in this line the contractors shall have an allowance made of five per-Cent on the settlement of their accounts every six months at the Treasury.

All necessary Articles which are furnished within the States for the troops are purchased by the Secretary at War, without any Commission or charge thereon to the public.

This arrangement existed previously to the resolve¹ of Congress for abolishing the Quartermaster General's Department, July 25th 1785.

8th. Of the Supplies to the Troops.

There have been forwarded to the frontiers during the present year supplies to the Troops of Clothing, new Tents and other Articles in the Quartermasters line, and a considerable quantity of Ordnance and Military stores, agreeably to the invoices thereof lodged in the War Office.

The Returns on the files of Congress will shew the brass and iron Ordnance, and the spare Arms and Ordnance and Military stores on the frontiers.

If these are not so ample as could be wished, yet the state of the public finances will not admit of a further Supply at present.

9th. Of the Ordnance Department.

This branch of the department of war is important and interesting to the Union.

The Ordnance, arms, ammunition and all the numerous appendages and complex apparatus belonging thereto in possession of the United States are highly valuable, and require an incessant attention to their preservation.

The places where they are deposited are as follows,
Providence in Rhode-Island

¹ *Journals*, vol. XXIX, p. 574.

Springfield in Massachusetts

Mohawk River

West-point on Hudsons River

Philadelphia

New-London and Manchester, Virginia

Charlestown, South Carolina, besides which there are considerable quantities of Shot and Shells at the furnaces at which they were cast. The proportions at the respective places are specified in the returns on the files of Congress.

The principle Arsenals are at Springfield, West-point and Philadelphia.

The other places can be considered as only temporary accommodations for the stores, which are to be removed, as soon as permanent arsenals and Magazines shall be decided on, and provided by the United States.

By the information of the Secretary at War, it appears that the Stores are well accommodated at Springfield in wooden buildings, except the Magazine which is an excellent one built of brick at the public expence in 1782.

That the powder and Stores are well accommodated at West-point, although the buildings being built of wood and the materials unseasoned, are going fast to decay.

That the Stores in Philadelphia are too much dispersed in different parts of the City and placed in buildings illy calculated for their reception.

The establishment of proper and permanent arsenals and Magazines is an object of high importance and demands the serious attention of the government of the United States. But as the expence of erecting suitable buildings for this purpose will be great, it will perhaps be thought adviseable to defer it for the present.¹

¹ This paragraph was amended. For the text of the original report, see July 21, 1788.

The Arms at Springfield are new and in excellent order, the Secretary at War having had the whole taken to peices, cleaned and placed in racks prepared for the purpose.

About five thousand arms have been repaired at West-point and are fit for immediate service, about ten thousand of the others are supposed to be worth repairing, and this necessary work is going on at that post on a small scale. To employ the number of workmen requisite to effect the business in one year would be too expensive for the public finances. These arms would probably on an average cost about one dollar and an half each to put them in complete Order. Between four and five thousand Arms are in Virginia the most of which require repairs.¹

The new arms in Philadelphia are in such a State of repair as to need cleaning only, the Secretary at War has been constrained to defer this operation, until a suitable building could be obtained, or an arsenal erected in which so to deposit them that they can be kept easily in order.¹

The powder at Springfield and West-point, which places include the greatest quantities in possession of the public is in excellent Order, great attention has been annually paid to this Article in having it aired, cleaned, proved, well packed, and also turned frequently.

The brass cannon and Mortars are, and will remain fit for immediate service. But it is to be remarked generally that no new carriages for the cannon or beds for the mortars have been made since the peace. At Springfield there are a number of new Cannon carriages which have never been in service, and also at West-point, there are a number fit for service, but in general the carriages which were left at the close of the war are too defective for use.

¹ These two paragraphs were amended. For the text of the original report, see July 21, 1788.

This object will require attention when the finances of the Union will admit of replacing the Carriages without which the Cannon are of little service.

The Ordnance and Military Stores at the several Arsenals are under the charge of Storekeepers or deputy Commissaries of Military stores at the following rates of pay.

Springfield one Deputy Commissary at 40 dollars per month.....	480
One assistant 15 dollars per month.....	180
Providence one Storekeeper 8 ditto.....	96
Westpoint one deputy Commissary at 40 dollars per month.....	480
	1, 236
Fort Herkemer and the Mohawk River, one Storekeeper a 14 32/90.....	172
Philadelphia one Commissary of Military Stores at 41 64/90 per mo.....	500
One Assistant 30 doll ^s per mo.....	360
New London } and } one deputy Comm ^y	480
Manchester }	
	1, 512
	2, 748

There are also Deputy Commissaries having the charge of the public property in South Carolina and at Carlisle, but they will soon be discharged.

Rents of buildings and West-point

For the buildings occupied in

Philadelphia..... 752 60/90

Ditto.....in Virginia... 350

Ditto for the Post of Westpoint.. 400

1502, 60/90

On the establishment of permanent arsenals and the Stores being collected together the expences arising at any other places will cease.

10th. Of West-point on Hudsons River and its dependencies.

Congress by their Resolution of the 3^d of August 1786 directed that this post together with so much land contiguous thereto as might be deemed necessary to be included within the limits of the garrison, should be purchased of the proprietor by the Board of Treasury; but this has not been effected, owing as the Committee has been informed to the absence of said proprietor.¹

Fort Clinton which is the principal work on the plain having been Slightly built for a temporary purpose has decayed in such a manner that unless it should be substantially repaired it will soon become an heap of rubbish, as will also most of the redoubts which were built of timber.

To repair Fort Clinton with Stone in a durable manner would require the sum of six thousand dollars, and a further sum of four thousand dollars would be requisite to place other necessary fortifications and buildings in a proper State.

These circumstances are stated for the consideration of Congress.

11th. Of the Canadian Refugees.

It appears by information from the Secretary at War who has directed the business since the year 1785 that the United States for Several years past have been at a great expence in supporting many Canadian families who had taken refuge within the state of New york when the American troops abandoned Canada in the year 1776.

That the remnants of the people of this description were transported in 1786 by order of Congress at the public expence

¹ This paragraph was amended. For the text of the original report, see July 21, 1788.

to certain lands on Lake Champlain granted to them by the state of New York and there supported with rations of provisions at the expence of the United States until the first September 1787. That the number so supplied amounted to about one hundred and seventy rations per day.

That by the Resolve¹ of Congress of the 12th of October 1787 one years further allowance was directed to such of the aged and infirm among the said Canadians as should be unable to make provision for themselves. The rations issued under this Resolve amount to forty-five per day.

12th. Of the Indian department.

The communications respecting the Indian departments were directed to be made to the Secretary at War by the Ordinance² of Congress of the 7th of August 1786.

That it appears from the records of the Office that the said Secretary has executed the duties arising in this department from time to time, and that he has arranged this branch of his duty by itself.

13th. Of the Invalids.

It appears by the information of the Secretary at War that the following States only, have transmitted to the War Office descriptive lists of the invalids required by the Ordinance³ of Congress of June 7th 1785, to wit New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania and Virginia.

A statement⁴ whereof shewing the amount annually paid by each is hereunto annexed for the information of Congress.

¹ *Journals*, vol. XXXIII, p. 665.

² *Journals*, vol. XXXI, pp. 490-493.

³ *Journals*, vol. XXVIII, pp. 435-437.

⁴ This statement is in *Papers of the Continental Congress*, No. 27, p. 367.

14th Of the army lands.

Agreeably to the directions¹ of Congress of the 22^d October 1787 the Secretary at war has had ascertained the Claims of the non-commissioned officers, and Soldiers in all the regular lines of the late army, and of most of the independent Corps. This has been accomplished by the actual inspection of the muster rolls, and the accounts which have been settled.

The remaining part of this Voluminous business is in a train of being completed in a Short time.

15th. Of the War Office.

The business of the War Office is conducted by the Secretary at war, and three Clerks and a Messenger whose Salaries are as follows.

The Secretary at War.....	2, 450
Three Clerks at 450 doll ^s per an. each.....	1350
Messenger per annum.....	150
Dollars.....	3, 950

The Contingent expenses of the office for Stationary, firing, Candles, and necessary conveniences for the papers are averaged on the three last years to amount to about one hundred and Seventy Six dollars for each year.

The office of assistant Secretary whose Salary was one thousand dollars per annum has been discontinued in this Office since the commencement of the year 1786.

The accounts of pay and Subsistence of the troops are examined and Certified at the pay Office, and transmitted to the War Office, on which the Secretary at War issues his warrants for the amount on the Paymaster.

¹ *Journals*, vol. XXXIII, p. 696.

Regular Registers are kept in the War Office of all warrants so drawn, specifying the Objects for which they were granted.

Upon the foregoing Statement your Committee beg leave to observe that having carefully examined every part of it they are of Opinion that the arrangement of the business is Judicious and that the duties of the Office are executed with ability and punctuality which reflect great honor on the Secretary at War.

Your Committee think it their duty further to remark that great care appears to have been taken by the Secretary to reduce the expences of his department as well by dispensing with the Office of Assistant Secretary formerly attached to it, and which has never been annulled by Congress, as by various economical arrangements and reforms in the other branches thereof.¹

[Motion of Mr. Clark respecting commissioners for settling accounts ²]

Resolved that the board of Commissioners appointed pursuant to an Ordinance ³ of Congress of the 7th of May 1787 be restricted from entering upon the business of their appointment or finally determining any matter to them referred by the said Ordinance, unless all three of the said Commiss^{rs} shall be present; anything in the said Ordinance to the Contrary notwithstanding; ~~and that s^d board of commiss^{rs} meet for the purpose of their appointment at such time as the board of Treasury shall notify them that the Vouchers and Ac^{ts} to be returned by the district Com^{rs} will be ready for their inspection.~~

And in order to give the said board all Necessary aid, the several boards and Commiss^{rs} under Congress are hereby respectively required to give the said board of commiss^{rs} when called upon for

¹ This paragraph was amended. For text of the original report see July 21, 1788.

² *Papers of the Continental Congress*, No. 26, p. 689, in the writing of Mr. Abraham Clark. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208, this motion was referred to a committee, consisting of Mr. Abraham Clark, Mr. Hugh Williamson and Mr. James Madison, which reported October 10, 1788.

³ *Journals*, vol. XXXII, pp. 262-266.

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³ *Journals*, vol. XXXII, pp. 262-266.

that purpose all such information as may be in their power touching any matters that may come before them for their determination; and to attend said board when requested for the purpose of explaining and Supporting the Claims of the Union. and to furnish ~~s^d board with~~ such of their Clerks as ~~that board~~ the s^d board may find necessary in prosecuting their business. And that the said board of Commissioners have the privilege while in the execution of their Office respectively to send and receive Letters by post free from postage.

[Motion of Mr. Kearny respecting W. Perry ¹]

That the delegates of Delaware be furnished with a copy of the report of the board of treasury respecting the salary of M^r Perry.

[Report of committee on memorial of L. Pease ²]

The Committee [consisting of Mr. Pierpont Edwards, Mr. Jonathan Dayton and Mr. James R. Reid] to whom was refered the Memorial of Levi Pease report

That it appears to the Committee, that the Distance from New York to Boston is two hundred and fifty six Miles; and from New York to Philadelphia is ninety six Miles. That the road eastward is much worse than southward, that the Mail for the Current year is carried to and from Philadelphia to this City for 1333 Dollars, that the Travel on the Boston road, upon the present Contract for carrying the Mail, amounts in one year to ~~64897~~ 66,560 miles, and on the road to Philadelphia to 29,952 miles, that it appears to the Committee that very great irregularities have existed in the transportation of the Mail on the Road to Boston; no less than nineteen different riders having, since the first of January last arrived at one office only Many of whom were Persons wholly unworthy of so important a Trust, ~~and given to intoxication;~~ that very little Attention has been paid by the riders, to the stipulated time of arrival at the different offices, the mail seldom being delivered at the proper Hour, that these Considerations, added to the facility of sending Letters by the Stages, which ply on

¹ This motion was entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208. It was referred to the Secretary of Congress to take order. See September 9 and 30, 1788.

² *Papers of the Continental Congress*, No. 19, V, pp. 59-61, in the writing of Mr. Pierpont Edwards. A copy of the report is in *Papers of the Continental Congress*, No. 41, VIII, p. 250. Read October 2, 1788. See October 1, 1788.

that road, and are furnished with trusty Conductors, and the speculation practised by the Carriers of the Mail, in appropriating the profits of Way Letters to their own use, have very greatly diminished the Revenue of the post office, your Committee are therefore of opinion that the Post Master general be directed to contract with M^r Pease upon the Terms proposed in his Memorial and thereupon submit the following Resolution

Resolved that the Post Master General contract with Levi Pease, for the transportation of the Mail between New York and Boston for one year, commencing the first Day of January next, upon the Terms proposed by said Pease in his Memorial, he giving sufficient Security for the fulfilment of the Contract on his Part.¹

² MONDAY, OCTOBER 6, 1788.

Six States assembled, namely Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina and South Carolina, and from New Hampshire M^r [Nicholas] Gilman from Rhode Island M^r [Peleg] Arnold, from New York M^r [Leonard] Gansevoort, from Delaware M^r [Dyre] Kearny, and from Maryland M^r [Benjamin] Contee.

TUESDAY, OCTOBER 7, 1788.

Three States assembled, namely Connecticut, New Jersey and North Carolina, and from New Hampshire M^r [Nicholas] Gilman, from Massachusetts M^r [Samuel Allyne] Otis, from Delaware M^r [Dyre] Kearny from Maryland M^r [Benjamin] Contee, from Virginia M^r [Cyrus] Griffin and from South Carolina M^r [John] Parker.

¹ OCTOBER 2, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208, the following committee was appointed:

Mr. Hugh Williamson, Mr. Abraham Clark and Mr. Alexander Hamilton on the letter of September 3, 1788, of the Secretary for Foreign Affairs respecting the particular expenses of Mr. Jefferson. See August 22 and September 3, 1788.

² Roger Alden takes up the entry.

WEDNESDAY, OCTOBER 8, 1788.

Congress assembled, present Massachusetts, Connecticut New York, New Jersey, Pennsylvania, Virginia, North Carolina and South Carolina, and from New Hampshire M^r [Nicholas] Gilman, from Rhode Island M^r [Peleg] Arnold, from Delaware M^r [Dyre] Kearny and from Maryland M^r [Benjamin] Contee.

On motion ¹ of M^r [Henry] Lee, seconded by M^r [John] Armstrong,

That considering the peculiar circumstances attending the case of Muscoe Livingston, late a Lieutenant in the navy of the United States, in the settlement of his accounts,

Resolved, that the Commissioner for the marine department adjust the said account, any resolution of Congress to the contrary notwithstanding.

[Letter from the Office of the Secretary at War respecting Western territory ²]

WAR OFFICE *October 6th 1788.*

SIR: In the absence of the Secretary at War I have the honor to transmit to your Excellency the copy of a letter from the Governor of the Western Territory dated Fort Harmar County of Washington September 14th 1788. with five enclosures. Also an extract of a Letter From Brigadier General Harmar of the same date enclosing

¹ *Papers of the Continental Congress*, No. 19, III, p. 611, in the writing of Mr. Henry Lee and Mr. Abraham Clark.

² *Papers of the Continental Congress*, No. 150, III, p. 249, read October 8, 1788. The enclosures (copies) are: St. Clair's letter, pp. 253-258, with its enclosures, no. 1, Speech of the Wyandots for themselves and other nations, July 23, 1788, pp. 267-270; no. 2, Speech of the Wyandots to the other Indian nations, July 23, 1788, pp. 273-276; no. 3, Speech of the Wyandots for themselves and the other nations, August 29, 1788, pp. 277-278; no. 4, Wilson and Rinkin to the Wyandots and other nations, August 30, 1788, pp. 281-283; and no. 5, Wilson and Rinkin to St. Clair, August 31, 1788, pp. 285-287; and Harmar's letter, p. 265, with its enclosure on pp. 261-263.

information from Major Hamtramck who is stationed at Post Vincennes dated the 12th of August last.

I have the Honor to be, etc.,

W^m KNOX.¹

His Excellency

THE PRESIDENT OF CONGRESS.

THURSDAY, OCTOBER 9, 1788.

Congress assembled, present as yesterday.

[Report of committee on memorial of J. Northrop ?]

The Committee [consisting of Mr. Pierpont Edwards, Mr. Abraham Clark and Mr. Alexander Hamilton] to whom was referred the Memorial of Joel Northrop, report the following Resolution thereon,

Resolved that upon the Memorialists producing to the Board of treasury a Receipt from David Austin of New Haven, Agent for the Managers of the United States Lottery, for the Ticket N^o 30,281 in the third Class of said Lottery, and also the Deposition of said Austin that he received said Ticket from said Deceased Joel as stated in said Memorial, and sent the same by the Post to said Managers; and upon Lodging said such Receipt and Deposition with the Board of Treasury, the said Board take order for satisfying said Claim, provided the Memorialist, do give security that no further Claim on account of said ~~Prize~~ Ticket shall be made upon the United States

¹ OCTOBER 8, 1788. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208, the following committee was appointed:

Mr. Pierpont Edwards, Mr. Abraham Clark and Mr. Alexander Hamilton on the memorial of Joel Northrop respecting a prize of 10,000 dollars drawn in the state lottery, *Papers of the Continental Congress*, No. 41, VII, pp. 158-160, with accompanying documents on pp. 162-166. Report rendered October 9, 1788.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, pp. 40-41, was received (read):

Letter of General Josiah Harmar to Charles Thomson, September 4, 1788, respecting the forwarding of despatches for Kentucky. *Papers of the Continental Congress*, No. 163, pp. 494-495.

Letter of Winthrop Sargent to [Charles Thomson], September 1, 1788, with oath of office and allegiance as secretary to the governor of the Western territory.

² *Papers of the Continental Congress*, No. 19, IV, p. 507, in the writing of Mr. Pierpont Edwards. Read October 9, 1788. See October 8, 1788.

by the Heirs, Executors or Administrators of the said deceased, Gail, or either of them.¹

FRIDAY, OCTOBER 10, 1788.²

Congress assembled, present as before.

On the report ³ of a committee consisting of Mr [Abraham] Clark, Mr [Hugh] Williamson and Mr [James] Madison, to whom was referred a motion of Mr [Abraham] Clark, respecting the board of commissioners, appointed under the ordinance ⁴ of May 7th 1787.

Resolved, That the board of commissioners appointed pursuant to an ordinance of Congress of the 7th of May 1787 be restrained from entering upon the business of their appointment, or finally determining any matter to them referred by the said ordinance unless all three of the said commissioners shall be present any thing in the said ordinance to the contrary notwithstanding. And that said board of commissioners do not meet for the purpose of their appointment untill the board of treasury shall have notified to them that the vouchers and accounts to be returned by the district commissioners, are ready for them to act upon. And the board of treasury and the several commissioners then acting under Congress are hereby required to attend the said board of commissioners when by them requested, in order to give them any necessary information, and to explain and to support the claims of the Union. And the board of treasury

¹ OCTOBER 9, 1788. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 208, the following committee was appointed:

Mr. John Swann, Mr. James R. Reid, Mr. Dyre Kearny, Mr. Samuel Allyne Otis and Mr. Jonathan Dayton on the Post Office department. This was a renewal of the committee of July 7, 1788. See July 9, August 27, and September 30, 1788.

² This is the last day on which business was transacted by the Continental Congress.

³ *Papers of the Continental Congress*, No. 26, p. 687, in the writing of Mr. Abraham Clark. Read October 10, 1788. See October 2, 1788.

⁴ *Journals*, vol. XXXII, pp. 262-266.

are also required to furnish the board of commissioners with such of the clerks in the offices under the direction of the said board of treasury, as the said board of commissioners may find necessary, not exceeding two in number. And that the said board of commissioners have the privilege, while in the execution of their office, to send and receive letters by post free of postage.

A motion ¹ was made by Mr [Abraham] Clark, seconded by Mr [Hugh] Williamsⁿ in the words following, viz. That the Secretary at War be and he hereby is directed to forbear issuing warrants for bounties of land to such of the officers of the late army who have neglected to account for monies by them received as pay masters of Regiments, or for recruiting or other public service, until such officers respectively shall have settled their accounts with the commissioner of army accounts, or others legally authorised to settle the same, and have paid the balances that may be found due from them, into the treasury of the United States, any thing in the land ordinance passed the 9th day of July 1788 to the contrary notwithstanding."

¹ *Papers of the Continental Congress*, No. 36, III, p. 429, in the writing of Mr. Abraham Clark.

On the question to agree to the motion the Yeas and nays being required by M^r [Abraham] Clark,

<i>New Hampshire</i>			<i>Pensylvania</i>	
M ^r Gilman	ay *		M ^r Irvine	ay } div ^d
<i>Massachusetts</i>			M ^r Reid	no }
M ^r Otis	no }	di ^d	<i>Delaware</i>	
M ^r Thatcher	ay }		M ^r Kearny	ay *
<i>Rhode Island</i>			<i>Maryland</i>	
M ^r Arnold	ay *		M ^r Contee	no *
<i>Connecticut</i>			<i>Virginia</i>	
M ^r Huntington	ay }	div ^d	M ^r . Griffin	no }
M ^r Edwards	no }		M ^r Madison	ay }
<i>New York</i>			<i>North Carolina</i>	
M ^r Hamilton	no }	div ^d	M ^r White	ay }
M ^r Gansevoort	ay }		M ^r Williamson	ay }
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clark	ay }	ay	M ^r Tucker	no *
M ^r Dayton	ay }			

So the question was lost.¹

TUESDAY, OCTOBER 14, 1788.

Two states attended, namely Massachusetts and New Jersey, and from New Hampshire M^r [Nicholas] Gilman, from Connecticut M^r [Benjamin] Huntington, from Pennsylvania M^r [William] Irvine, from Delaware M^r [Dyre] Kearny, from Maryland M^r [Benjamin] Contee, from Virginia M^r [Cyrus] Griffin, from North Carolina M^r [Hugh] Williamson, and from South Carolina M^r [John] Parker.

¹ OCTOBER 10, 1788. According to indorsement was read:

Petition of Jonathan Hastings and Samuel Bean, October 4, 1788, for release from a contract for carrying mail. *Papers of the Continental Congress*, No. 42, III, p. 584.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 41, was received:

Letter of Samuel Huntington to Charles Thomson, October 3, 1788, acknowledging receipt of despatches. *Papers of the Continental Congress*, No. 66, II, p. 394.

WEDNESDAY, OCTOBER 15, 1788.

Four States attended, namely Massachusetts, New Jersey, Virginia and South Carolina and from N Hampshire M^r [Nicholas] Gilman, from Connecticut M^r [Benjamin] Huntington from Pensylvania M^r [William] Irvine, from Maryland M^r [Benjamin] Contee and from North Carolina M^r [Hugh] Williamson.

THURSDAY, OCTOBER 16, 1788.

Two States attended, namely Massachusetts and South Carolina and from New Hampshire M^r [Nicholas] Gilman, from Rhode Island M^r [Peleg] Arnold, from New Jersey M^r [Jonathan] Dayton from Pensylvania M^r [William] Irvine, from Maryland M^r [Benjamin] Contee from Virginia M^r [Cyrus] Griffin and from North Carolina M^r [Hugh] Williamson.

¹ TUESDAY, OCTOBER 21, 1788.

Two states attended namely Massachusetts and South Carolina and from New hampshire M^r [Nicholas] Gilman from Connecticut M^r [Benjamin] Huntington from Pensylvania M^r [William] Irvine from Maryland M^r [Benjamin] Contee from Virginia M^r [Cyrus] Griffin and from North Carolina M^r [Hugh] Williamson.

From the day above mentioned to the first of Nov^r there ~~appear~~ attended occasionally from New hampshire M^r [Nicholas] Gilman,

from Massachusetts M^r [Samuel Allyne] Otis and M^r [George] Thatcher

from Rhode island M^r [Peleg] Arnold

from Connecticut M^r [Benjamin] Huntington and M^r [Pierpont] Edwards

¹ Charles Thomson resumes the entry and concludes the *Journal*.

from New Jersey M^r [Jonathan] Dayton
 from Pennsylvania M^r [William] Irvine
 from Maryland M^r [Benjamin] Contee
 from Virginia M^r [Cyrus] Griffin
 from North Carolina M^r [Hugh] Williamson
 and from South Carolina M^r [Daniel] Huger M^r [John]
 Parker and M^r [Thomas Tudor] Tucker.¹

¹ In the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, pp. 41-42, Roger Alden entered, under the caption "Letters not read in Congress", the following letters and memorials:

dates 1788	from whom	Subjects &c.
Nov ^r 29 th	D ^r Benj ^a Franklin	respecting his public accounts, requesting that measures may be taken for the final settlement.
	Mon ^r Rey	Letter and Memorial, relating to the trade of the US with the french W. Indies, dated at Port au Prince, not read.
Nov ^r 6 th	Gov ^r S ^t Clair	acknowledging rec ^t of letters and prospect of the Indian treaty &c.
Mem ^l Sep ^t 29 th	Moses Hazen Gov ^r N:Carolina	for relief from an arrest for a public debt. rec ^t of letters, and measures taken for apprehending Mr Sevier and associates
1789 Jany 29.	Mons ^r Rey	at Port au prince, proceedings of Gov ^t respecting commerce &c.
Jan ^y 25	Tho ^s Hutchins	of the survey of the lands granted to Sargent and Cutler.
Petition	James Gooch	respecting balances due to seamen who served in the ship Ranger.
Feb ^y 18	Andrew Ellicot	of the line to be run between the lands of the US and the state of N York
Jan ^y 15 th	Winthrop Sargent	transmitting laws and Journals of the Gov ^t North West of the Ohio.
May 10 th	D ^r	whether his oath of Office is filed.
July 1 st	D ^r	transmitting Journal of the Gov ^t North West of the Ohio.
		NB. the original communications transmitted to the President, Aug ^t 25 th 1789.

Also according to indorsement the following letters were received after the session of Congress in 1788:

Letter of John Jay to President of Congress, October 10, 1788, transmitting letter of Mr. Dumas of June 10, 1788. *Papers of the Continental Congress*, No.

MONDAY, NOVEMBER 3, 1788.¹

Pursuant to the Articles of the Confederation only two Gentlemen attended as delegates ² namely

M^r [Benjamin] Contee for Maryland and

M^r [Hugh] Williamson for North Carolina.

SATURDAY, NOVEMBER 15, 1788.

M^r C[yrus] Griffin from Virginia attended

ON MONDAY, DECEMBER 1, 1788.

M^r J[ohn] Dawson from Virginia and

ON SATURDAY, DECEMBER 6, 1788.

M^r N[icholas] Eveleigh from South Carolina attended

ON THURSDAY, DECEMBER 11, 1788.

M^r J[onathan] Dayton from New Jersey attended

MONDAY, DECEMBER 15, 1788.

M^r T[homas] T[udor] Tucker from South Carolina

80, III, p. 593. According to indorsement the enclosed papers were returned to the Office for Foreign Affairs on April 29, 1789.

Letter of John Jay to the President of Congress, October 15, 1788, transmitting letters of Mr. Jefferson of July 29, August 3, 10 and 11, 1788. *Papers of the Continental Congress*, No. 80, III, p. 597. Jefferson's letters are in *Papers of the Continental Congress*, No. 87, II, pp. 179, 183-190, 203-204, and 207-209, respectively, with enclosures of the letter of August 3 on pp. 191-202.

Letter of John Jay to President of Congress, October 17, 1788, transmitting correspondence with Captain Matthewman. *Papers of the Continental Congress*, No. 80, III, p. 601. According to indorsement the enclosed papers were returned to the Office for Foreign Affairs on April 29, 1789.

¹ This is the first day of the federal year 1788-1789. From this date to March 2, 1789, delegates from the various states appeared and presented their credentials, so that it would have been possible at any time that seven states were present for the secretary to have read the credentials and for Congress to have begun its sessions. Because of the organization of the new Government under the Constitution, the Continental Congress for 1788-1789, never transacted any business.

² For credentials of the delegates for the Congress of 1788-1789, see Appendix A.

MONDAY, NOVEMBER 3, 1788.¹

Pursuant to the Articles of the Confederation only two Gentlemen attended as delegates ² namely

M^r [Benjamin] Contee for Maryland and
M^r [Hugh] Williamson for North Carolina.

SATURDAY, NOVEMBER 15, 1788.

M^r C[yrus] Griffin from Virginia attended

ON MONDAY, DECEMBER 1, 1788.

M^r J[ohn] Dawson from Virginia and

ON SATURDAY, DECEMBER 6, 1788.

M^r N[icholas] Eveleigh from South Carolina attended

ON THURSDAY, DECEMBER 11, 1788.

M^r J[onathan] Dayton from New Jersey attended

MONDAY, DECEMBER 15, 1788.

M^r T[homas] T[udor] Tucker from South Carolina

80, III, p. 593. According to indorsement the enclosed papers were returned to the Office for Foreign Affairs on April 29, 1789.

Letter of John Jay to the President of Congress, October 15, 1788, transmitting letters of Mr. Jefferson of July 29, August 3, 10 and 11, 1788. *Papers of the Continental Congress*, No. 80, III, p. 597. Jefferson's letters are in *Papers of the Continental Congress*, No. 87, II, pp. 179, 183-190, 203-204, and 207-209, respectively, with enclosures of the letter of August 3 on pp. 191-202.

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¹ This is the first day of the federal year 1788-1789. From this date to March 2, 1789, delegates from the various states appeared and presented their credentials, so that it would have been possible at any time that seven states were present for the secretary to have read the credentials and for Congress to have begun its sessions. Because of the organization of the new Government under the Constitution, the Continental Congress for 1788-1789, never transacted any business.

² For credentials of the delegates for the Congress of 1788-1789, see Appendix A.

WEDNESDAY, DECEMBER 30, 1788.

M^r S[amuel] A[llyne] Otis from Massachusetts

THURSDAY, JANUARY 1, 1789.

M^r J[ames] R. Reid from Pennsylvania

M^r R[obert] Barnwell from South Carolina

THURSDAY, JANUARY 8, 1789.

M^r A[braham] Clarke from New Jersey

SATURDAY, JANUARY 10, 1789.

M^r T[ench] Coxe from Pennsylvania

MONDAY, JANUARY 26, 1789.

M^r N[athaniel] Gorham from Massachusetts

THURSDAY, JANUARY 29, 1789.

M^r G[eorge] Thatcher from Massachusetts

FRIDAY, FEBRUARY 6, 1789.

M^r D[avid] Ross from Maryland

THURSDAY, FEBRUARY 12, 1789.

M^r J[ohn] Gardner from Rhode island

WEDNESDAY, FEBRUARY 18, 1789.

M^r D[avid] Gelston from New York

THURSDAY, FEBRUARY 19, 1789.

M^r N[icholas] Gilman from New hampshire

MONDAY, MARCH 2, 1789.

M^r Philip Pell from New York

APPENDICES

APPENDIX A

CREDENTIALS OF THE DELEGATES CHOSEN FOR THE CONTINENTAL CONGRESS FOR THE YEAR 1788-1789.

[Credentials of Hugh Williamson, North Carolina ¹]

State of North Carolina

To the Honorable Hugh Williamson Esquire Greeting

Whereas the General Assembly in their last Session in December 1787, have by joint Ballot of both Houses, elected you the said Hugh Williamson, one of the Delegates of this State to represent the same in the Congress of the United States of America, for one year to commence on the first Monday in November next.

In confidence of your Fidelity Skill and Ability We have appointed and by these presents do appoint you the said Hugh Williamson one of our Delegates to represent us in the Honorable the Congress of the United States of America for one year to commence on the first Monday in November next. To have, hold, use, exercise and enjoy, the said Office of Delegate in Congress, with all the Rights, Privileges, Pre-eminences, Authorities and Emoluments, to the same belonging or in any ways appertaining.

Witness Samuel Johnston Esquire our Governor Captain General and Commander in Chief under his Hand and the Great Seal of the said State at Edenton this twenty third day of October A. D. 1788 and in the thirteenth Year of our Independence.

[SEAL PENDENT]

SAM JOHNSTON

By His Excell^y Command.

W^m JOHNSTON DAWSON. P. S.

¹ Original credentials, delivered November 3, 1788, in *Papers of the Continental Congress*, North Carolina Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 1.

[Credentials of Virginia Delegates ¹]

Virginia sc¹

The General Assembly of this Commonwealth, on the thirty first day of October one thousand seven hundred and eighty eight, by joint ballot of both Houses elected Cyrus Griffin esquire, a Delegate to serve in Congress from the first Monday in November 1788 'til the first Wednesday in March next.

Given under my hand and the Seal of the Commonwealth, this
(Seal) thirty first Day of October, one thousand seven hundred and eighty eight.

EDM: RANDOLPH

[Credentials of South Carolina delegates ²]

State of South Carolina

By His Excellency Thomas Pinckney Esquire, Governor and Commander in Chief in and over the State aforesaid.

To the Honorable Nicholas Eveleigh Esquire, Greeting

Whereas, The Legislature of this State did on the thirty first day of January last appoint You the said Nicholas Eveleigh to be a Delegate to represent this State in the Congress of the United States of America from the first Monday in November next until the first Monday in November which will be in the year One thousand seven hundred and eighty nine, I do therefore by Virtue of the Power and Authority in me vested by the Legislature of this State commission you the said Nicholas Eveleigh to be a Delegate to represent this State in the Congress of the United States of America from the said first Monday in November next until the first Monday in November

¹ The original credentials of Mr. Cyrus Griffin were delivered November 15, 1788 and those of Mr. John Dawson on December 1, 1788. Both are in *Papers of the Continental Congress*, Virginia Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, II, pp. 2 and 3, respectively. The credentials of Mr. Dawson are identical with those of Mr. Griffin and therefore not printed.

² The credentials on parchment of Mr. Nicholas Eveleigh, were delivered December 6, 1788, those of Mr. Thomas Tudor Tucker, on December 15, 1788 and those of Mr. Robert Barnwell on January 1, 1788. They are in *Papers of the Continental Congress*, South Carolina Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, II, pp. 4, 5 and 11, respectively. The credentials of Mr. Tucker and Mr. Barnwell are identical with those of Mr. Eveleigh and are therefore not printed.

which will be in the Year One thousand seven hundred and eighty nine, and no longer.

Given under my hand and the Great Seal of the State in the City of Charleston this twenty first day of October in the year of Our Lord One thousand seven hundred and eighty eight and of the Sovereignty and Independence of the United States of America the thirteenth.

[SEAL PENDENT]

THOMAS PINCKNEY

By His Excellency's Command

PETER FRENEAU

Secretary

[Credentials of New Jersey delegates ¹]

The State of New Jersey

To the Honorable Abraham Clark, Jonathan Elmer and Jonathan Dayton Esquires. Greeting

The Council and Assembly reposing especial Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint Meeting appointed you the said Abraham Clark, Jonathan Elmer and Jonathan Dayton or any two of you to represent and vote in behalf of this State in the Congress of the United States of North America from this day until the first Wednesday in March next, which will be in the Year of our Lord one thousand seven hundred and eighty nine unless a new appointment shall sooner take place.

In Testimony whereof the Great Seal of the State is hereunto affixed, Witness William Livingston Esquire Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same at Princeton the Twenty fifth day of November in the Year of our Lord One Thousand Seven hundred and eighty eight and of our Sovereignty and Independence the thirteenth.

WIL: LIVINGSTON

By His Excellency's Command

BOWES REED *Sec^y*

¹ Original credentials on parchment, delivered December 11, 1788, by Mr. Jonathan Dayton, in *Papers of the Continental Congress*, New Jersey Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 6.

which will be in the Year One thousand seven hundred and eighty nine, and no longer.

Given under my hand and the Great Seal of the State in the City of Charleston this twenty first day of October in the year of Our Lord One thousand seven hundred and eighty eight and of the Sovereignty and Independence of the United States of America the thirteenth.

[SEAL PENDENT]

THOMAS PINCKNEY

By His Excellency's Command

PETER FRENEAU

Secretary

[Credentials of New Jersey delegates ¹]

The State of New Jersey

To the Honorable Abraham Clark, Jonathan Elmer and Jonathan Dayton Esquires. Greeting

The Council and Assembly reposing especial Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint Meeting appointed you the said Abraham Clark, Jonathan Elmer and Jonathan Dayton or any two of you to represent and vote in behalf of this State in the Congress of the United States of North America from this day until the first Wednesday in March next, which will be in the Year of our Lord one thousand seven hundred and eighty nine unless a new appointment shall sooner take place.

In Testimony whereof the Great Seal of the State is hereunto affixed, Witness William Livingston Esquire Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same at Princeton the Twenty fifth day of November in the Year of our Lord One Thousand Seven hundred and eighty eight and of our Sovereignty and Independence the thirteenth.

WIL: LIVINGSTON

By His Excellency's Command

BOWES REED *Sec^y*

¹ Original credentials on parchment, delivered December 11, 1788, by Mr. Jonathan Dayton, in *Papers of the Continental Congress*, New Jersey Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 6.

[Credentials of Massachusetts delegates ¹]

Commonwealth of Massachusetts

By His Excellency John Hancock Esq^r Governor of the Commonwealth of Massachusetts.

(Seal)

John Hancock

To our trusty and well beloved The Honble Samuel Allyne Otis esq^r of Boston in our County of Suffolk
Greeting

Whereas the General Court of our Commonwealth aforesaid did on the sixth day of June last agreeably to the Constitution of our said Commonwealth appoint The Honble Samuel Allyne Otis esq^r a Delegate to represent our said Commonwealth in the Congress of the United States of America for one year commencing the first Monday in November 1788.

Now therefore Know ye that We do by these presents and in pursuance of the said appointment commission you the said Samuel Allyne Otis esq^r, to represent our said Commonwealth in Congress, and vest you with all and singular the powers and authorities to the said office or place of Delegate belonging by virtue of the Constitution of said Commonwealth and the appointment aforesaid, and to hold said office until the first Monday of November A^o Dⁱ 1789. And you the said Samuel Allyne Otis Esq^r are hereby required to observe the instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

In Testimony whereof We have caused our Public Seal to be hereto affixed this third day of September A^o Dⁱ 1788 And in the Thirteenth year of the Independence of the United States of America.

By His Excellency's Command.

JOHN AVERY jun^r *Secretary*

¹ The credentials of Mr. Samuel Allyne Otis were delivered December 30, 1788, those of Mr. Nathaniel Gorham, dated December 20, 1788, on January 26, 1789 and those of Mr. George Thatcher, dated July 30, 1788, on January 29, 1789. They are in *Papers of the Continental Congress, Massachusetts Credentials*. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, pp. 7-8, 13 and 14, respectively. The credentials of Mr. Gorham and Mr. Thatcher are identical with those of Mr. Otis and are therefore not printed.

[Credentials of Pennsylvania delegates ¹]

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania.

Thomas Mifflin The Supreme Executive Council, of the said Commonwealth, To the Honorable James R Reid Esquire.

Whereas, The General Assembly of this Commonwealth have, by their Act of the fourteenth Day of November in the Year of our Lord one thousand seven hundred and eighty eight elected you a Delegate to represent this State in the Congress of the United States, You are therefore hereby commissioned as such.

Given in Council, under the Hand of His Excellency Thomas Mifflin esquire, President, and the Seal of the State, at Philadelphia, this eighteenth Day of December in the Year of our Lord one thousand seven hundred and eighty eight.

Attest.

CHA^s BIDDLE *sec^u*.

[Credentials of Maryland delegates ²]

To the Honorable Joshua Seney, Benjamin Contee and David Ross Esquires.

The State of Maryland reposing special trust and confidence in your diligence, wisdom and fidelity, hath appointed you delegates for this State in the United States in Congress assembled, with full power and authority to you or any two or more of you, to represent and act for this State in the United States in Congress assembled, for one whole year from the Second Monday in December last; and also you or either of you, are fully empowered and authorised to represent and act for this State in a committee of

¹ The original credentials, a printed form on parchment, of Mr. James R. Reid and Mr. John Armstrong were delivered on January 1, 1789 and those of Mr. Tench Coxe, on January 10, 1789. They are in *Papers of the Continental Congress*, Pennsylvania Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, pp. 9, 10 and 12, respectively. The credentials of Mr. Armstrong and Mr. Coxe are identical with those of Mr. Reid and are therefore not printed.

² Original credentials, delivered by Mr. David Ross February 6, 1789, in *Papers of the Continental Congress*, Maryland Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 15.

the States which may within the time aforesaid be appointed by the United States in Congress assembled.

Given under my hand and the Seal of the State at the City of Annapolis, this fifteenth day of January anno Domini one thousand seven hundred and eighty nine.

[SEAL PENDENT]

[Credentials of John Gardner, Rhode Island ¹]

By His Excellency John Collins Esquire, Governor, Captain-General, and Commander in Chief, of the State of
(seal) Rhode Island, and Providence-Plantations.

To John Gardner Esquire, Greeting.

Whereas you the said John Gardner have been duly appointed a Delegate to represent this State, in the Congress of the United States of America, for One Year from the First Day of November next, and until another shall be appointed to take your Place: I do therefore hereby authorise and commissionate you the said John Gardner, to represent the said State in the aforesaid Congress, wherever the same may sit, for the Time aforesaid, agreeably to the Articles of Confederation of the aforesaid United States.

Given under my Hand, at Newport, and the Seal of the said State, this Twelfth Day of May, A. D. 1788, and in the Twelfth Year of Independence.

By His Excellency's Command

JOHN COLLINS

HENRY WARD *Secry*

[Credentials of New York delegates ²]

The People of the State of New York by the Grace of God Free and Independent: To all to whom these presents shall come send Greeting: Whereas our Senate and Assembly have on the Sixteenth day of December last nominated and appointed the Honorable Abraham Yates Junior, David Gelston, Philip Pell, John Hathorn and Samuel

¹ Original credentials, delivered February 12, 1789, in *Papers of the Continental Congress*, Rhode Island Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 16.

² Original credentials, delivered February 18, 1789, by Mr. David Gelston, in *Papers of the Continental Congress*, New York Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 17.

Jones Esquires Delegates to represent our said State in the United States in Congress assembled from the said day of their appointment, for the present Year, or until the Congress of the United States under the New constitution adopted by the late convention of this State shall commence their proceedings: Now therefore Know Ye that in pursuance of the said Nomination and Appointment We have by these presents Commissioned the said Abraham Yates Junior, David Gelston, Philip Pell, John Hathorn, and Samuel Jones with full power and authority to them the said Abraham Yates Junior, David Gelston, Philip Pell, John Hathorn and Samuel Jones to represent our said State in the said Congress accordingly:

In Testimony whereof, We have caused these our Letters to be made patent and the Great Seal of our said State to be hereunto Affixed: Witness our Trusty and wellbeloved George Clinton Esquire Governor of our said State General and Commander in Chief of all the militia and admiral of the Navy of the same, at our City of Albany the thirtieth day of January in the year of our Lord one Thousand seven hundred and Eighty nine, and in the thirteenth year of our Independence.

(al dorso)

Passed the Secretary's Office the 30th January 1789.

GEO: CLINTON

ROBT HARPUR. *D Secr^y*

[SEAL PENDENT]

[Credentials of Mr. Nicholas Gilman, New Hampshire ¹]

The State of New Hampshire.

To Nicholas Gilman Esquire

Greeting.

Whereas the General Court of this State, did at their Session held at Concord on the seventeenth day of June last, appoint you the said
(seal) Nicholas Gilman one of the Delegates to represent
this State in the Congress of the United States of America; Now therefore Know You, that by these presents in pursuance of the said Appointment you the said Nicholas Gilman, are commissioned to be one of the Representatives of this State in Con-

¹ Original credentials, delivered February 19, 1789, in *Papers of the Continental Congress*, New Hampshire Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, II, p. 18.

gress, and vested with all and singular the Power and Authority to the said Office or Place of Delegate belonging by virtue of the Constitution of this State and the appointment aforesaid: To Have and to Hold to you the said Nicholas Gilman the said Office or Place of Delegate for the Term of one year from and after the first Monday of November next unless sooner relieved or recalled by the General Court of this State.

In Testimony whereof, the Seal of said State is hereunto affixed; Witness John Langdon Esquire President of said State at Portsmouth this Twenty seventh day of August Anno Domini One Thousand, Seven Hundred and Eighty Eight, and of the Sovereignty and Independence of the United States of America the Thirteenth.

By His Excellency's Command

JOHN LANGDON ¹

JOSEPH PEARSON *Sec^y*

¹ No delegates attended from Connecticut, Delaware and Georgia and no credentials from these states for 1788-1789 are in the *Papers of the Continental Congress*.

APPENDIX B

LISTS OF REPORTS FORMED AT THE CLOSE OF THE SESSION OF CONGRESS FOR 1787¹

LIST OF REPORTS

6 November 1787

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
May 2. 1786		Artillery pay and line of promotion
Nov 30. 1785		Arnold Dort Settlement of his accounts
March 4. 1785		J Adams' letter 22 June 1784, draught of letter to sovereign in Europe . Sec ^r for Aff
5 Jan ^r 1786		Algerines captives and vessels taken by. d ^o
13 Oct 1785		d ^o better for US to make war upon than peace with. d ^o
24 Sept 1786		Boundary eastern mode of settling with GB d ^o
16 Sept 1785		D. Beveredge treatment of at Havannah d ^o
2 Aug. 1787		Barbary States touching a con- federacy against d ^o
27 June 1785		Blaine Ephraim, relative to settlement of his acco ^{ts}
18 April 1785		Brewster compensation for services and money advanced
9 Oct 1786		Berreau on mode of settling his accounts
26 July 1787		Coiners of Copper coin punishment of

¹ *Reports of Committees, Papers of the Continental Congress*, No. 189, pp. 27-33. These two lists in alphabetical order of subjects, were made by Thomson to have readily at hand all matters which might be called up for further consideration or for reconsideration. Subjects which were acted upon in 1788 have the date of action entered in the second column. Since no new list was made in November 1788 for the federal year 1788-1789, the entry "transferred" is not found in the second column opposite entries on which no action had been taken.

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
29 June 1785	Aug 25. 1788	Catharine an Indian woman to be rewarded com ^d
3 Oct 1786	Sept 15 1788	Cuyler Jacob settlement of his acco ^{ts}
2 June 1785		Commercial treaties principles of
		Continental money mode of redeeming
17 Aug. 1786		Certificates lost mode of re- newing B ^d of treas ^r
26 Feb 1787		army to compel agents to acco ^t for. d ^o
13 June 1785		Continental Agents Allowance to d ^o
26 Sept 1785		Consuls number and places of Sec ^r for for ⁿ Aff
13 Oct 1785		d ^o d ^o
31 Oct 1785		d ^o fees jurisdiction and duties of d ^o
25 feb ^r 1786		Convention bet: am and french post offices d ^o
21 Aug. 1786		Domestic debt mode to extinguish
12 Oct 1787		H Douglass case of military Officers widows
18 feb ^r 1785		Ely, col reward for extra services of
11 May 1787	Aug. 21. 1788	Frauncis Sam ^l farther compensation to
1 Dec ^r 1784		Francis Tench allowance for receiving and bring money from Boston
30 Oct 1786		Freeman, Constant, payment of a bill of Exchange B ^d of treas ^r
7 Oct 1785		Fowler and Elliot, goods furn- ished soldiers at fort pitt . . . d ^o
19 Sept 1785		Franklin, doct arrival in America Sec ^r for for ⁿ Affairs
29 March 1787		Forrest, Uriah to be ap- pointed Consul d ^o
26 Sept 1787		French and C ^o petition to have leave to pro ceed ag T. B. d ^o
23 Aug. 1785	June 12	Hay, Col. for granting rank to, Sec ^r at War com ^d
31 July 1787	Feb ^r 12	Hanson and Goldsborough for their serv- ices committed, filed
2 June 1784	filed	Hand gen ^l settlement of his acco ^{ts} for cloathing furnished
15 May 1784	filed	d ^o claim for expences in a separate command
27 Sept 1787	filed	Huntington gen ^l settlement of his accounts

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
28 March 1785	June 4 1788	Halsted, payment for supplies furnished in Canada
26 July 1787		Indians, for preventing unjust attacks on to prevent officers and soldiers from trading with Sec ^y at war
18 May 1785		Instructions to Superint Ind. affairs
20 Feb ^y 1787	filed	Instructions to Ministers at London and Versailles Sec ^y for ^a affairs
22 March 1786		Joy's mem ^l touching transfer of funded debt b ^d of treas ^y
26 Oct 1786		Lewis Joseph for wages and prize money
12 Apr 1787	June 13	Lawrence R. confined in New York jail for judgments on trespasses Sec ^y fo ^a Affairs
15 March 1787		Laws of Massach and NH
7 Oct 1785		contrary to treaty with Fr. d ^o
18 Oct ^r 1786	Sept. 1. 1788	M ^o Lean capt settlement of his acco ^t (referred to Com ^r Army Acc ^t)
29 Sept 1785		M ^o Lane lieut Ja ^s , to advance a sum of money to Sec ^y at War
26 Jan ^y 1785		Marbois representation monies due to french subjects b ^d treas ^y
3 Aug. 1785		d ^o debt due to du Coudray d ^o
8 Aug. 1786		Meigs Jon: payment of money advanced in Canad ^a d ^o
3 Nov ^r 1783		Measam G. will of
11 Sept 1786		Militia plan for regulating
Feb ^y 8 1786		Otto' mem ^l on debt due to France
23 Ap: 1785		b ^d treas ^y
15 June 1786	March 27 th 1788	Pensylvania Officers for paying travell ^e charges of d ^o
29 March 1786		Post Office, Ordinance for regulating, Committed.
		d ^o Convention bet: Am and french Sec ^y fo ^a Aff ^r
26 July 1786		Rubsamen settle ^t of his acc ^t b ^d treas ^y
25 Oct 1787	Feb ^y 12	Sea letter mode for grant ^a
15 June 1786		Secretary at war, powers and duties of
16 March 1785		Stockley C a further allowance to
12 Ap 1786		Stores at falls of Ohio property of US. Sec ^y at War
13 July 1786		Span: negotiations Sec ^y fo ^a Aff
12 Ap: 1787		state of d ^o
20 Ap 1787		on Madisons motion
		relative to : : . d ^o
4 July 1787		Instructions relative to

<i>Delivered</i>	<i>Acted on</i>	<i>Subject</i>
17 Ap. 1786		Shattuck and Church an allowance to B ^d of treas ^r
30 Nov 1785	July 28. 1788	Trumbull Jon: an allowance to d ^o
18 April 1787		Western territory Invasion of Sp: property in Sec ^r fo ^a affair
23 Aug 1786		Unit: Netherlands on note of min. touch ^a debt of de la Lande d ^o
1 Nov ^r 1785		on d ^o on alteration of pass ports . . . d ^o
25 Ap. 1787		Western territory Ord: for disposing of lands in
13 June 1785		Whitmore H: farther allowance to

REPORTS OLD, OBSOLETE OR NEGATIVE 6 Nov^r 1787

8 March 1787		Archer H. W. not entitled to commutation. Com ^r Army Acc
May 4 1786		Adrian de Nys' proposal to raise a reg ^t for U S: inexped ^t to accept . . Sec ^r at W
22 Aug. 1786		Abbot J. claiming reward for discovering counterfeiters, not entitled . . B Treas ^r
19 March 1787		Appleton N. his mem ^l not to be con- sidered till his acco ^{ts} are adjusted d ^o
25 May 1786		Bennet P. forage master not en- titled to depreciation d ^o
26 March 1787		Bingham W. inexped ^t to comply with his request d ^o
27 Sept 1787		Blodget, W. not entitled to benefits granted to aids Com ^r Ar: Acc
16 May 1783		Buhler J. respect ^a old cont: money in his hands
14 feb ^r 1786		Beaufort, Count his application for a sea port
12 Oct 1787	Feb ^r 11. -88	Cushing T. H. his application for rank and emolum ^{ts} cannot be granted Sec ^r at W committed
19 May 1786		Chase Tho ^s his acco ^{ts} cannot be adjusted by State Com ^r B ^d treas ^r
15 Aug 1786		Cazeau' claim for 22015 dolls un- supported d ^o
4 April 1786		Coffin, T. for demurrage, . . . d ^o
20 March 1786		Clarke, Weston not entitled to depretiation d ^o

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
21 March 1786		Carpenter, I. and J. claim for paym of cert: cannot be complied w th B ^d treas ^r
19 Sept 1785		Calvet P. du his claims cannot be admitted d ^o
15 June 1786		Com ^{rs} for adjusting claims of States, improper to revive power of . . . d ^o
5 July 1785	Sept. 15. 1788	Canadian and Nova Scotia refugees com- mitted
13 April 1784		Duer W. his claim for damages to be set- tled by arbitration Sup: f.
12 June 1786		Davis Sam ^l his claim of reward for con- vict ^s counterfeiter B Treas ^r
7 June 1786		Don ^d McDonald not entitled to allowance granted to disabled sold ^{rs} d ^o
21 feb ^r 1785		Deane S. settle ^{mt} of his acco ^{ts}
18 Sept 1786		Etiquette at the court of US.
20 April 1784		Eckart V. his claim for depreciation cannot be admitted
16 Aug. 1786		Funds supplimentary to be again recom- mended
24 Oct 1783		Fowler A. Claim for lands in Western terri- tory
24 May 1786		Fuller Nath: his claim for back rations can- not be admitted Com ^r ar acc
21 feb ^r 1786		Florat de Florimont his claim for commutation d ^o
22 March 1786	Aug 21. 1788	Frauncis Sam ^l farther allowance cannot be granted to B ^d of Tr ^y
3 April 1787		Gaudin Eliz. her claim for prize money etc not founded Com ^r Mar acc
19 Oct 1785		Gray Dan ^l his memorial cannot at pres ^t be considered B. Treas
26 July 1786		Gridley Rich ^d his claim cannot be admitted d ^o
19 May 1786		Hart Rach ^l her claim to be paid for a cert: cannot be admitted . . d ^o
24 April 1786		Henry McClellen and Henry their claim to be p ^d cannot be admitted . d ^o
8 March 1787		Hendrick Ja ^s his claim to be p ^d for supplies furnish ^d F Army inad- missible d ^o
22 May 1786		Hazen and Hay agents for Cana- dians d ^o

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
4 April 1785		Harding capt Seth for granting a sum of Money to
14 May 1784		Harwood B. to pay him for signing money
16 July 1783		Hutchins Anth ^r to be recommended to Span: Governor
25 Aug. 1785		Heinckin relative to Ship Minerva
11 Oct 1786		Sec ^r for ^a Aff Jefferson Hon T. relative to Barbary States portugal and treaties w other powers Sec ^r f Aff
27 Dec ^r 1785		Indians of Long island claims of Sec ^r at War
30 Jan ^r 1786		Journals on reprinting
28 Sept 1785		Jackson, John, pilot, detained by Capt Jones
13 Sept 1785		Irwine, W. relative to his salt work in Western Country
30 Dec ^r 1785		Keesar Sic a chinese, inexpedient to comply with request of
1 May 1786		Keep Sam ^l , claim for property destroyed cannot be admitted . . . B ^d of treas ^r
10 Oct 1785		Lewis Van Zandt and Tudor acco ^{ts} to be settled by Com ^r for mar. acco ^t . . . do
12 June 1786		Lindsey, lieut col. Eleaz not entitled to emoluments . . . Sec ^r at War
21 July 1786		Malcom W. not to be consid- ered as col. in contin service d ^o
22 Oct 1783		Lucas John Massachusetts to make him compensation
26 Aug. 1786		Lawrence and Morris their complaint ag ^t B ^d of treas ^r
18 April 1785		Leary Dennis has been paid in full Com ^r of mar. acco ^{ts}
May 1784		Livingston col. H B. to be considered in service till his return from Europe
21 July 1785		Massachusetts motion to disqualify members of C from being elected to offices
18 April 1787	Aug 20	Mentges col: claim for farther compensation inadmissible . . . B ^d treas ^r
21 Oct 1786		Massachusetts motion for prolong- ing rec ^t of Indents . . . d ^o
25 April 1786		McFarlane his claim does not lie ag ^t US . . . d ^o
19 Aug. 1783	filed	Navy Officers for depreciation compre- hended in act 1 Aug. 1787

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
3 Nov ^r 1783	filed	Nourse J. for augmentation of salary answ ^d by act of 23 March 1787
26 Sept 1787		Norton, B. respect ^e money due by G. B. improper for US to interfere Sec ^r fo ^r Aff
9 March 1786		New York's application for continuing Com ^r of claims. B ^d treas ^r
7 March 1787		touching money of 18 March 1780 d ^o
5 July 1785	filed	Obail and Robins
18 Oct 1786		Oliphant D. further claims of cannot be admitted
6 Jan ^r 1786	filed	Post to be continued at fort M ^o Intosh
5 Oct 1785		Post Office for raising a revenue from
10 April 1787	May 22 1788	Porter John not entitled to emoluments de- bated postponed
18 May 1784		Prentice Sam ^l his claim to be referred to paym ^r gen ^l
1 Aug. 1786		Pannel lieut col his resignation 1 Jan ^r 1781 Com ^r Army Acco ^a
28 Dec ^r 1785	filed	President's household settled by act 23. March 1787
21 feb ^r 1785	filed	Philips R. for augment- ation of salary. d ^o
Oct 3 1783		Platt maj settle ^t of his acco ^t
5 April 1786	filed	Pepin A. not entitled to further allowances Com ^r Ar. Acc ^r
3 Aug. 1787		Public Press for establishing
12 July 1785		Pollock O to be paid principal and Int. of debt due
11 July 1785		his conduct at Havanna not impeached Sec ^r for ^a Aff
7 Sept 1786		Phelon John fled to Canada improper to reclaim him . . . d ^o
8 March 1787		Pintard J. M, on application to be app ^d consul at Lisbon . . . d ^o
7 March 1786		Phip, D. his claim to be paid cannot be complied with. B ^d treas ^r
3 Nov 1786		Pensylvania claim to be credited for 78,000 Dol cannot be admitted d ^o
12 feb ^r 1787		On Motion of delegates of to continue com ^r power . . . d ^o
10 June 1783		Quarter Masters in S ^e department allow- ance to

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
4 Oct 1787		Rutgers Lush and Lansing not entitled to depreciation
1 May 1786		Ross J. proceedings ag ^t his property in S ^a Domingo Sec ^r fo ^a Aff
10 May 1786		Reynold, D. his prayer to be p ^d cannot be complied w th B ^d treas ^r
1 Sept 1786		Ransom E: not entitled to reward offered by proc: 2 feb 1785 . . . d ^o
26 July 1786		Smart, capt not entitled to rewards of retiring officers B ^d treas ^r
21 March 1787		Schmyser not entitled to relief for rec ^d depret. money d ^o
12 Feb ^r 1787		Scot, brig gen ^l his claim not well supported d ^o
18 Sept 1786		Sumner J. leave of Abs. from Georgia for 2 M may be granted d ^o
25 May 1785		Sayre Stephen's project for building an invincible ship Sec ^r at W
13 March 1787		Springfield Ag ^t removing stores from d ^o
28 Aug 1786		Sterling L ^d maj. a certificate for bal ready to be d ^d to ex. of Com ^r Ar acc
		States compliance with alteration of 8 Art Confederation
		Southern Indians report on
Sept 1786		Sec ^r at War conduct of in preserving stores
4 Aug 1786		Smith Rob. rev ^d last resolution of passed 12 Sept 1786
1 Apr 1785	filed	Smith B. P. for depreciation
13 May 1785		Ship timber in Georgia
5 Oct 1786		Stewart W and P. Cady for promotion and advanced pay Com ^r A acc ^t
3 May 1784		Sproat D. claim of for advances to prisoners
5 March 1787		Thomson capt John his claim disputed by col Antil Com ^r ar. acc ^t
26 March 1786		Turnbull Marmie and Co. to be put into poss: of fort at Pittsb:
25 Aug. 1785		Thompson W. on his complaint ag ^t judiciary of Connect. B ^d of treas ^r
8 March 1786		Temple S ^r J. on his interference respect ^s Lawrence and others . . . Sec ^r f ^e Aff
7 May 1787		S ^t Vincents and Kaskaskies
30 Oct 1786		Virginia's claim relative to affairs in W territory
11 July 1787		respecting the issuing of Indents b ^d treas ^r

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
30 May 1786		Van Ingen Claim for depreciation cannot be admitted b ^d treas ^r
28 March 1787		Willing Morris and Swannich claim for reimburse ^t of loss by rec ^s } d ^o counterfeit certificates cannot be admitted
4 July 1787		Wait, John, claim for wages of soldiers deserted cannot be adm ^d d ^o
21 Oct 1786		Whipple capt A. to be settled with in the usual way d ^o
22 April 1785		Weiss John drum major recommended to Rhodeisland
8 July 1785		Worcester Mary recommended to State of Connecticut
18 April 1787		Wallingford Lydia widow of marine Off. not entitled to half pay B ^d T ^r
28 March 1785		Walker col. to take up his cert: and advance him cash for them
1 Sept 1786		Walker Levi his claim not supported
30 April 1784		Washington gen an allowance to
2 Nov 1785		touching equestrian statue voted to Sec ^r fo ^r Aff
24 March 1786		Western territory M ^r Monroes motions touch ^s
21 feb ^r 1785		means of obtaining possession of
19 March 1787		Yates Ab: report on his claims B ^d treas ^r

APPENDIX C

LIST OF REPORTS RENDERED IN THE CONTINENTAL CONGRESS DURING THE FEDERAL YEAR 1787-1788, WHICH WERE NOT ACTED ON DURING THE YEAR ¹

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
1788		
Feb ^y 1		Paul Noyes Board of Treasury
"		R. J. Vanden Brock d ^o .
"		John Hurd d ^o
"		Betts, Campbell, Stewart and
"		Taylor d ^o
5 th		J: P: de Haas. Board of Treasury.
11 th		Ephraim Blaine d ^o
14		Tho ^s R. Kennedy. B ^d of Treasury.
"		Tho ^s Cushing, on rep ^t of Sec ^y at War, respecting rank.
20 th		On admission of persons to public audience.
25 th		Archibald Steele, Board of Treasury
"		Indian Talk respecting Droomgole Sec ^y at War
29 th		J. L. Roy and son board of treasury.
"		On motion of delegates of Maryland respecting negoti- ation of new Emission of 1780, B ^d of treasury.
March 3		Post bet: Philad ^a and Pittsburgh, Postmaster gen ^l
4		On mem J. Reed board of treasury
"		On ap: J. Fitch.
5		On post bet: Portland and Pownalborough Post m ^r gen ^l
12		Mem Dav ^d Brearly B ^d treas ^y
13		On Col Smith letters relative to journey to Lisbon Sec ^y for for ⁿ aff ^{rs}
20 th		On Mem ^l John Stevens board of treasury.
25		On sloop America Sec ^y f: f: aff ^{rs}
"		On letter Dec ^r 18 th 1787. M ^r Van Berckel, de privilege d ^o

¹ This list is taken from the entries for 1788 in *Reports of Committees, Papers of the Continental Congress*, No. 189, pp. 33-39. The first column gives the date the report was rendered, while the second is blank since no action was taken during the year.

<i>Delivered</i>	<i>Acted on</i>	<i>Subjects</i>
1788		
May 5		On lett: Sup ^r In: relative to western posts Sec ^r at War
6		On repres: B Contee Post master gen ^l
7		On J May's respect ^a bills of Marmie and C ^o protest ^d b ^d treas
"		On printers exch ^a their papers by the mail.
June 17		On Hardouin Morlet's pet: for a pension that it can't be grant ^d B. Treas ^r
18		On Goadsby's mem ^l B ^d of treas ^r
"		Postm ^r gen ^l letter relat: to Gov ^r opening letters
23		On R. Steels mem ^l com ^r for q ^r m ^{rs} and Com ^r departm ^t
"		On Georgia.
July 14		On M ^r Wingate's mot: for prolonging time for bringing in Marine acc ^{ts}
17		Sherman, Ludlow and Morris, Surveyors, board of treas ^r
21		On J and J Demerest and Bogart, board of treas ^r .
22		On M ^r Greateon's mem: board of treas ^r .
25		Sec ^r at War salary of and allowance to
28		On Stores in S ^c Carolina Sec ^r at War
"		On raising 2800 men d ^r
"		On R. Stiles, board of treas ^r
"		On brig gen ^l Hazen's claim Sec ^r at War
Aug 4		Howell Williams b ^d of treas ^r
14		On departm ^t foreign Affairs
21 st		On Pet: Tho ^s Donnellan B ^d of treasury.
Sept 1 st		On W ^m Mason's acc ^{ts} Comm ^r of Army Acc ^{ts}
11		On Baron Steuben's claim.
12		On M ^r Barclay's letter 27 May relative to Morrocco Sec ^r for ^a aff ^{rs}
16		On Pet ^s Duncan Campbell. Board of treas ^r .
"		On Mem ^l Catharine, a Shawanese woman
"		On Jarvis Copper Contract.
23		On letter March 10 th 1788 sec ^r at war, of land, sup ^r officers
"		On Pet: Absalom Baird, by J. King Com ^r army acc ^{ts}
30		Report on Beaumarchais
"		On W Perry's Salary board of treas ^r .
"		On gen. Spencer's
Oct. 1 st		On Mem ^l Ezekiel Williams, board of treas ^r .
2 ^d		On Mem ^l Levi Pease
9 th		On Mem ^l Joel Northrop.
10 th		On motion relating to Comm ^{rs} under ordinance May 7 th 1787.

BIBLIOGRAPHICAL NOTES

BIBLIOGRAPHICAL NOTES¹

1788

February 12.

Resolutions respecting sea letters

599. By the United States in Congress assembled. February 12, 1788. On the report of a committee consisting of Mr. Dyre Kearny, Mr. John Kean and Mr. James Madison.

An edition of 60 copies was printed at a cost of 16 shillings. The entry in Dunlap's account is dated February 14.

March 19.

Report on a supplement to an Ordinance respecting lands in the Western Territory.

600. A Supplement to an Ordinance entitled, "An / Ordinance for ascertaining the mode of Disposing of Lands / in the Western Territory". / Whereas it appears inconvenient to pursue the mode prescribed in the Land Ordinance/ F^o [2 pp.]

Copies are in the Library of Congress, *Papers of the Continental Congress*, No. 59, III, pp. 463-464, 471-472, 473-474 and Broad-sides. They measure 20.8 x 34 cm. An edition of 60 copies was printed at a cost of £1-12. The entry in Dunlap's account is dated March 24. Ford, No. 458; Evans, no. 21533.

¹ The list of Continental Congress imprints for 1788 is derived from the *Register of Accounts, Papers of the Continental Congress*, No. 146. In the *Register* are entered the quarterly accounts of John Dunlap, who appears as the only printer employed by Congress. As Dunlap had no press in New York, it is apparent that the printing was done, as in 1787, by others who had presses at the seat of Congress. Consequently the imprints are not ascribed to Dunlap as has formerly been done. In fact no evidence has appeared as to the printers of the various items of 1788. The numbers in Paul L. Ford, *Bibliography of the Official Publications of the Continental Congress* (1890) and Charles Evans, *American Bibliography* are indicated.

May 5.

Report on petition of the French and American inhabitants of Post St. Vincent's and the Illinois.

601. The Committee, consisting of Mr. Wadsworth, Mr. Irvine and Mr. White, to whom was referred the / Petition

F^o Broadside

Copies are in the Library of Congress, *Papers of the Continental Congress*, No. 19, VI, p. 7 and Broadside. They measure 22.7 x 36.3 cm. An edition of 60 copies was printed at a cost of £1-4. The entry in Dunlap's account is dated May 3. Ford, no. 459; Evans, no. 21521.

May [7]

Blank for Statement of Representation in Congress.

602. A State of the Representation in Congress / for the month of 17 / Pursuant to the Act of 17th August, 1785. /

F^o Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, Miscellany. They are filled out for March, April and May 1788. They measure 20.2 x 32.6 cm. An edition of 100 copies was printed at a cost of £1-12. The entry in Dunlap's account is dated May 7.

May 22.

Resolution respecting unsettled accounts.

603. United States in Congress / assembled. / May, 22d, 1788. / The Committee consisting of Mr. Dane, Mr. Irvine, Mr. Hamilton, and Mr. Brown, to whom was referred a Motion of Mr. Dane, relative /

F^o Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, Broadside. They measure 19.9 x 32.2 cm. An edition of 100 copies was printed at a cost of £1-4. The entry in Dunlap's account is dated May 27. Evans, no. 21534.

June 11.

Resolutions respecting invalids.

604. By the United States in Congress / assembled, / June 11, 1788. / On the report of a Committee consisting of Mr. Dane, / Mr. Hamilton and Mr. Brown, to whom was referred / F^o Broadside.

A copy is in the Library of Congress, *Papers of the Continental Congress*, Broadside. It measures 19.6 x 32.2 cm. An edition of 60 copies was printed at a cost of £1-. The entry in Dunlap's account follows that of May 27. Ford, no. 460; Evans, no. 21512.

June [12].

Report of committee on petition of George Morgan.

605. The Committee consisting of _____ to whom was / referred the memorial of George Morgan and his associates, respecting a tract of land in the / Illinois country _____ F^o Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, No. 19, IV, p. 157 and Broadside. They measure 26.3 x 41.9 cm. An edition of 60 copies was printed at a cost of £1-4. The entry in Dunlap's account is dated June 16. Ford, no. 461; Evans, no. 21513.

June 20.

Resolutions on the petition of George Morgan.

606. By the United States in Congress / Assembled, / June 20, 1788. / The Committee consisting of Mr. Williamson, / Mr. Dane, Mr. Carrington, Mr. Kearny, and / Mr. Wingate, to whom was referred the Memo- / rial of George Morgan _____ F^o Broadside.

Copies are in the Library of Congress, Broadside. They measure 20.1 x 32.3 cm. An edition of 100 copies was printed in two columns at a cost of £1-12. The entry in Dunlap's account is dated June 22. Ford, no. 462; Evans, no. 21514.

July 2.

Report on a supplement to an Ordinance respecting lands in the Western Territory.

607. A Supplement to an Ordinance entitled, "An Ordinance for ascertaining / the mode of disposing of Lands in the Western Territory". / Whereas it is found to be inconvenient to execute that part of the land / _____ F^o Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, Broadside. They measure 24.9 x 41.6 cm. An edition of 60 copies was printed at a cost of £1-10. The entry in Dunlap's account is dated July 4. Evans, no. 20788 (?).

July 8.

Report on new constitution.

608. The Committee consisting of Mr. Carrington, Mr. Edwards, / Mr. Baldwin, Mr. Otis, and Mr. Tucker, to whom were / referred the Ratifications of the New Constitution which have / F^o Broadside.

A copy is in the Library of Congress, *Papers of the Continental Congress*, No. 23, p. 329. It measures 21.4 x 34. cm. An edition of 60 copies was printed at a cost of 12 shillings. The entry in Dunlap's account is dated July 10. Evans, no. 21520.

July 9.

Supplement to the Ordinance respecting lands in the Western territory.

609. By the United States in Congress / assembled. / July 9, 1788. / A Supplement to an Ordinance entitled "An Ordinance for as / certaining the Mode of disposing of Lands in the Western Terri- to- / ry". / Whereas it is found to be inconvenient to / F^o Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, Broad-sides. Some are signed by Charles Thomson. They measure 19.5 x 32 cm. An edition of 100 copies was printed at a cost of £1-8. The entry in Dunlap's account is dated July 12. Ford, no. 463; Evans, no. 21515.

August 4.

Report on the requisition for 1788, together with an Estimate for the Year 1788.

610. The Committee, consisting of / to whom was referred the report of the Board of Treasury respecting a requisition for the year / F^o [4pp.].

A copy is in the Library of Congress, *Papers of the Continental Congress*, Broad-sides. It measures 25.2 x 41.9 cm. An edition of 100 copies was printed at a cost of £ 3-12. The entry in Dunlap's account follows that of July 12. Ford, no. 464; Evans, no. 21519.

August 20.

Resolutions on the requisition for 1788.

611. By the United States in Congress assembled, / Wednesday, August 20, 1788. / The Committee consisting of Mr. Clark, Mr. Dane, Mr. Williamson, / Mr. Bingham, and Mr. Baldwin, to whom was referred the report of the board of treasury respecting a re- / F^o [2pp.].

Copies are in the Library of Congress, *Papers of the Continental Congress*, Broad-sides. One is signed by Charles Thomson. They measure 25.3 x 39.7 cm. An edition of 100 copies was printed at a cost of £ 2-10. The entry in Dunlap's account is dated August 25, 1788. Evans, no. 21516.

September 1.

Proclamation respecting the Cherokees.

612. By the United States in Congress / Assembled, / A Proclamation. / Whereas the United States in Congress as- / F° Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, Broadside. They measure 32.5 x 39.8 cm. An edition of 500 copies was printed at a cost of £ 3-16. The entry in Dunlap's account is dated September 3. Ford, no. 465; Evans, no. 21517.

September 13.

Resolution on putting the new government in operation.

613. By the United States in Congress / assembled, / September 13, 1788. / Whereas the Convention assembled in Philadelphia, / F° Broadside.

Copies are in the Library of Congress, *Papers of the Continental Congress*, Broadside. Two are signed by Charles Thomson. They measure 19.6 x 31.9 cm. An edition of 200 copies was printed at a cost of £ 2-0. The entry in Dunlap's account is dated September 13. Ford, no. 466; Evans, no. 21518.

1787-1788.

Journals of the Continental Congress.

614. Journal / of the / United States / in Congress Assembled: / Containing the / Proceedings / from / The 5th Day of November, 1787. to The 3d Day of November 1788. / Volume XIII. / Published by Order of Congress. / Printed by John Dunlap. /

8° pp. 170, xcviii, [1], xi.

Copies of this official edition of the Journal are in the Library of Congress. Besides the entries for the federal year 1787-1788 there are also the entries for the period from November 3, 1788 to March 2, 1789. The appendix contains the resolve of Congress providing for the Federal Convention, the credentials of the delegates to the convention, the report of the convention, the resolve submitting the Constitution to the States, the ratifications of the first eleven States and the North Carolina proposals for amendments, which

were entered in *Ratifications of the Constitution* (pp. 1-179). It also contains the contract for the Dutch loan of March 3, 1788.

The entries in the account of John Dunlap for the printing of this volume of the *Journals* are as follows:

1788		
Sept. 30	8½ sheets of Journals of Congress from B to S inclusive at 80/-----	£34-0
	16¼ Reams of paper for the above at 18/-----	14-0
1789		
January 1	To printing 2 sheets of the Journal of Congress from S to the end-----	£8-0
	To printing 2½ sheets appendix to Journals of Congress--	10-0
	To 6 Reams of paper for the above at 18/-----	5-8
April 1	To printing 5½ sheets Journals of Congress from sig D Appendix to the end at £4 per sheet-----	£22-0
	To furnishing paper for the above 6½ Reams at 18/-----	5-17

The accounts of Robert Hodge show the following items for binding:

1789		
Mar 17.	To binding in blue boards 100 vols. Journals of C. at 10 d-----	£4-3-4
19.	To binding in blue Boards 100 Journals-----	4-3-4
23.	To ditto ditto ditto-----	4-3-4
26.	To ditto ditto 147-----	6-2-6
Apr 2.	To elegantly binding lettering and Tabling 13th volume for the late President of Congress-----	5-6

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